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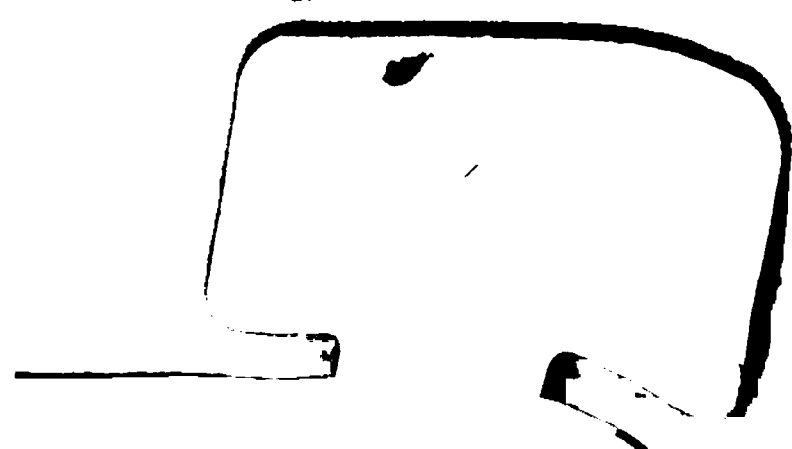
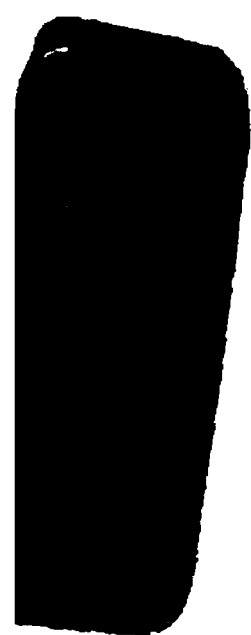
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Edgar Howard Farrar.

REPORT

OF THE

ERTH ANNALS

OF THE

OF THE

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OF THE

STON, MASSACHUSETTS

AUGUST 20, 30 and 31, 1911

NEW YORK:

THE L. B. SHERMAN & PAUL

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REPORT

OF THE

THIRTY-FOURTH ANNUAL MEETING

AT HARVARD LIBRARY

OF THE

American Bar Association

HELD AT

BOSTON, MASSACHUSETTS

AUGUST 29, 30 and 31, 1911

BALTIMORE :
THE LORD BALTIMORE PRESS
1911

• *Copy*
YBABEL COGNATE
THE

THIRTY-FIFTH ANNUAL MEETING

WILL BE HELD AT

MILWAUKEE, WISCONSIN,

On Tuesday, Wednesday and Thursday,

August 27, 28 and 29, 1912.

165176

TRANSACTIONS
OF THE
THIRTY-FOURTH ANNUAL MEETING
OF THE
American Bar Association
HELD AT
BOSTON, MASSACHUSETTS

August 29, 30, and 31, 1911.

Tuesday, August 29, 1911, 10 A. M.

The Thirty-fourth Annual Meeting of the American Bar Association convened in Huntington Hall, Massachusetts Institute of Technology, Boston, Massachusetts, on Tuesday, August 29, 1911, at 10 o'clock A. M., President Edgar H. Farrar, of Louisiana, in the Chair.

The President:

I have the honor to announce that words of welcome are about to be spoken to us by a distinguished son of this commonwealth, himself a lawyer and now the President of the Massachusetts Bar Association. I have great pleasure in introducing Hon. Alfred Hemenway.

Alfred Hemenway, of Massachusetts:

Mr. President, brethren of the American Bar Association, ladies and gentlemen: With a continent before you where to choose it is complimentary that you have come to Massachusetts for your Thirty-fourth Annual Meeting—the more complimentary because your Fourteenth Meeting in 1891, twenty years ago, was held in Boston. So opportunity has knocked twice at our door.

4 ADDRESS OF WELCOME AND PRESIDENT'S REPLY.

On behalf of the Massachusetts Bar Association it is my welcome duty to thank you for your acceptance of its most cordial invitation. The fiction which gives a corporation an entity independent of its membership is fortunate for me; otherwise, as a member of both associations I should be talking to myself.

At one of your annual dinners at Saratoga, Emery Storrs, speaking of Chicago, said that men were still living who rocked the cradle of the infant city. So I can say, borrowing the metaphor, that I at least was present at the rocking of the cradle of your Association at its birth in 1878. I am as proud of it as was Wendell Phillips, that when a scholar in the Boston Latin School, his hand was shaken by Lafayette. In telling the story Mr. Phillips holding out his hand used proudly to say, "This hand has touched the hand of Lafayette." But I am not here to tell the story of your Association—I am not here to tell the story of Massachusetts or of Boston and its great Bench and Bar—I am not here even to catalogue our places of historic interest. It is my privilege to extend to you the welcome of the Massachusetts Bar Association. When royalty visits, it commands its host and allots its time. Your days are crowded. Each hour has its duty. We would do more for you if we were not precluded by the inexorable limit of time. You are royal guests and have set bounds to our hospitality, but be assured that as loyal hosts we will treat you royally. When Webster, more than sixty years ago, spoke at a dinner given in his honor by the Bar of South Carolina, he closed with this sentiment, "The law—it has honored us, may we honor it."

Again the Massachusetts Bar Association thanks you for coming to our Commonwealth. It honors you because you have honored the law.

The President:

Mr. Hemenway, will you accept for the Massachusetts Bar Association, for the people of this commonwealth and for the citizens of this historic city, the thanks of the Association for your very cordial welcome. In the thirty-four years of its existence the American Bar Association has tasted the hos-

pitality of many cities. It has found savor of sweetness in all, but we are sure that we shall here find that hospitality in new form and with new flavor—the product of the intelligence, refinement and culture, which have made Boston an acknowledged center of all that is highest and best in American life. Sir, again, I thank you in my own behalf and in that of the American Bar Association. I can assure you that we all wish our capacity to receive were as great as your capacity to bestow.

The President then delivered the President's Address.

(See the Appendix, page 229.)

The Secretary:

The members of the nine committees appointed in the various federal circuits by the respective Circuit Courts of Appeals on revision of the equity rules of the Supreme Court are requested to meet in room 26 of this building at 2.45 P. M. today.

The next order of business is the nomination of members to the General Council. The roll of states will be called for nominations.

The members of the new General Council, when selected, are requested to hold a meeting for organization immediately after this meeting, in room 16 of this building.

The excursion to Cambridge occurs this afternoon; special electric cars will start from Copley Square at 3 o'clock.

The register of members in attendance is on the table, and all members are requested to register at once in order that the Secretary may print as promptly as possible a list of those here.

The Executive Committee has elected 1118 members since the last annual meeting. The Assistant Secretary will shortly read a list of others now recommended for membership by the retiring General Council.

A recess of ten minutes was then taken.

AFTER RECESS.

The Treasurer:

I call attention to the fact that it is necessary to indicate your intention to attend the dinner on Thursday evening at the Hotel Somerset and to get cards therefor.

The President:

Before electing members of the General Council the Assistant Secretary will read the list of the committee appointments.

The Assistant Secretary:

The committees appointed by the President are as follows:

AUDITING TREASURER'S REPORT:

Selden P. Spencer.....Missouri.
Thomas W. Shelton.....Virginia.

DINNER COMMITTEE:

Frederick E. Wadhams..... New York.
George Whitelock.....Maryland.
Charles Henry Butler.....New York.

PUBLICATION COMMITTEE:

Francis RawlePennsylvania.
John HinkleyMaryland.
Charles Noble Gregory.....Dist. of Columbia.
William H. Staake.....Pennsylvania.
Edmund F. Trabue.....Kentucky.

RECEPTION COMMITTEE:

Charles F. Libby.....Maine.
William L. Putnam.....Massachusetts.
Charles Monroe.....California.
Monte M. Lemann.....Louisiana.
John H. Voorhees.....South Dakota.
James S. Sexton.....Mississippi.
George B. Rose.....Arkansas.
Frederick L. Taft.....Ohio.
Albert C. Ritchie.....Maryland.
James D. Andrews.....New York.
William Draper Lewis.....Pennsylvania.
Edgar A. Bancroft.....Illinois.
Eugene C. Massie.....Virginia.
William L. January.....Michigan.
Charles E. Shepard.....Washington.

DELEGATES TO AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY:

R. N. Miller.....Mississippi.
Samuel C. Eastman.....New Hampshire.
Peter W. Meldrim.....Georgia.

The Assistant Secretary read the list of names recommended by the General Council for membership, and those recommended were duly elected.

(See New Members marked (‡) in State List, page 179.)

The roll of states was then called and members of the General Council were elected, the last incumbent being continued where no nomination was made.

(See List of General Council, page 115.)

The Secretary read his report which, on motion, was accepted and adopted.

(See the Report at end of Minutes, page 66.)

The Treasurer read his report, and, on motion, the same was received and referred to the Auditing Committee.

(See the Report at end of Minutes, page 68.)

The Secretary read the report of the Executive Committee, and, on motion, it was received and its recommendations adopted.

(See the Report at end of Minutes, page 82.)

James M. Lamberton, of Pennsylvania:

I rise to a point of order. The officers of the Association have not carried out the rule heretofore adopted requiring the American flag to be displayed at all meetings of the Association.

Wm. A. Ketcham, of Indiana:

The gentleman is not raising a point of order. His remarks concern a rule of procedure.

The President:

The gentleman overlooks the fact that the flag is flying from the roof and the outer doorway. The gentleman's remarks do not constitute so much a point of order as a request to instruct the committee to display the stars and stripes in this hall. The Chair will so instruct the committee.

A recess was then taken until 8 P. M.

EVENING SESSION.

Tuesday, August 29, 1911, 8 P. M.

The President called the meeting to order.

George Whitelock, of Maryland:

I offer a resolution which will involve no further action than reference to a committee.

It is as follows:

Resolved, That Francis Rawle, of Pennsylvania; Henry St. George Tucker, of Virginia; Alton B. Parker, of New York; Jacob M. Dickinson, of Tennessee; Frederick W. Lehmann, of Missouri, and Charles F. Libby, of Maine, former Presidents of the American Bar Association, be and they are hereby appointed a committee to formulate and submit to the Association for appropriate action at the morning session on Thursday, August 31, 1911, a suitable minute or resolution upon the proposition to make applicable to judges the principle of recall.

Oscar A. Trippett, of California:

I second the resolution.

Alphonso T. Clearwater, of New York:

I think that resolution ought to be laid on the table.

Wm. A. Ketcham, of Indiana:

Oh, no; we do not want to lay it on the table. I suggest that the mover change the word "principle" to "doctrine."

George Whitelock, of Maryland:

I will accept Mr. Ketcham's suggestion. The last words of the resolution will accordingly read: "the doctrine of recall."

Alphonso T. Clearwater, of New York:

I move to lay the resolution on the table.

Frederick Taylor, of New York:

I second the motion.

The motion to lay on the table was lost, and the original resolution of George Whitelock, of Maryland, as modified by him at the suggestion of Wm. A. Ketcham, of Indiana, was there-upon adopted.

The Assistant Secretary then read additional names recommended by the General Council for election to membership in the Association. The persons recommended were duly elected.

(See New Members marked (‡) in State List, page 179.)

Peter W. Meldrim, of Georgia, then submitted the printed report of the Committee on Jurisprudence and Law Reform, stating the purport and substance thereof in conformity with the By-law.

(See the Report in the Appendix, page 379.)

The President:

What will the Association do with this report?

Seneca M. Taylor, of Missouri:

I move that the report be received and adopted.

Lucius M. Cuthbert, of Colorado:

I second the motion.

Thomas I. Parkinson, of New York:

I should like to ask the committee whether it understood Mr. Boston's second resolution laid before the committee, namely, the resolution relating to scientific formulation of the laws in the United States, to refer to laws enacted by Congress or to refer only to laws of the states. If the committee did understand that resolution to refer to the laws of the several states I would inquire what congressional commission it thought had the matter in charge; and also whether the committee has ascertained the fact that such a commission is at work on the same subject.

Peter W. Meldrim, of Georgia:

The committee did not suppose it was intended to formulate all the laws of all the states, but that the resolution had reference alone to federal legislation. The committee reports that the formulation of laws making the laws uniform in the respective states, is now being done by a body raised by the several states, namely, the Commission on Uniform State Laws. The answer generally to the whole inquiry of the gentleman is that the

committee understood the resolution offered by Mr. Boston to have reference to the laws of the United States.

Charles A. Boston, of New York:

I beg leave to explain to the Chairman what I had in mind. I meant the laws *in* the United States and not the laws *of* the United States. I did not mean a digest or consolidation or revision of the United States laws. I meant that a committee of this body should consider and report to this Association whether in its opinion it was possible to inaugurate under the auspices of the Association, an agency which would, in future, take part in the proper formulation of the statute laws in the various states.

The matter was under consideration by the New York State Bar Association in 1908, when Mr. James Bryce, the British Ambassador, discussed the methods of procedure in the formulation of laws before the British Parliament. He there stated, as I remember, that there were only 58 laws of a public nature which passed the British Parliament the year before. Mr. Choate then stated that he had had an examination made into the subject of the formulation of laws in this country, and he was sorry to report that there were 25,000 laws passed in the United States in the preceding period of two years. The President of this Association has told us that there were 9000 laws passed in the United States during the current year, the legislatures of some states being still in session. It was in view of the enormous increase of these laws—all of which we are supposed to know or understand so far as they pertain to our particular work—that I thought the time had arrived when a committee of this Association might at least consider whether we could inaugurate an agency so as to direct the attention of the various legislatures of the country to the methods pursued by the British Parliament.

It appearing that the standing committee has misunderstood the scope of my resolution, I ask that the pending motion be amended so as to recommit this particular portion of the report to the standing committee with the request for a further report next year.

Peter W. Meldrim, of Georgia:

I heartily agree to having this part recommitted.

The President:

Then the question will have to be divided. The question ought to be, from that point of view, that the report of the committee be received and adopted, excepting that part of it which refers to Mr. Boston's resolution, which shall be recommitted to the committee for a report next year.

Aldis B. Browne, of District of Columbia:

I want to ask the Chairman of the committee whether or not the new law to which the committee referred on the last page of the report does anything more than increase the salaries of the Judges of the Supreme Court of the United States?

Peter W. Meldrim, of Georgia:

That is another matter. It is covered by the Act approved March 3, 1911, going into effect January 1, 1912.

Aldis B. Browne, of District of Columbia:

All I wanted to be assured of was that the committee did not ignore the fact that no increase has been made in the salaries of any judges excepting the Justices of the Supreme Court of the United States. It would be unfortunate to adopt a report with that recommendation, and then find it does not take care of the judges of the District Courts and of the Circuit Courts of Appeals.

Julius Henry Cohen, of New York:

I was about to make the same inquiry. My recollection of the Judiciary Act is that there is no increase in the salaries of the District or Circuit judges. It would be inappropriate to adopt the resolution referred to the committee unless the committee can call attention to a specific provision in the Judiciary Act which does increase the salaries of the judiciary.

Aldis B. Browne, of District of Columbia:

I move that this part of the resolution be excluded from the motion to approve the report, so that separate action may be taken.

The President:

Under the circumstances the Association had better take up the recommendations one at a time. The Chairman of the committee will present the first one.

Peter W. Meldrim, of Georgia:

The first one deals with the subject of the third degree.

Jerome L. Cheney, of New York:

I move that the recommendations of the committee in regard to the third degree, to airships, and to woman suffrage be adopted.

Thomas Mackenzie, of Maryland:

I move as an amendment that they be considered separately. I made the original motion in respect to the third degree and would like to hear it discussed.

Jerome L. Cheney, of New York:

I accept the amendment.

The President:

Is the motion as it now stands seconded?

E. W. Hines, of Kentucky:

I will second it.

The President:

The motion is open for discussion.

Wm. A. Ketcham, of Indiana:

I take it for granted that it is the right of any member of this Association to call for the division of a question and for a separate vote on each recommendation. If I am correct in that understanding, in order to expedite matters, I call for a division of the question and a separate vote on each recommendation. Therefore I ask for a vote on the first recommendation of the committee, that on the subject of the third degree.

The President:

Is there any discussion?

Thomas Mackenzie, of Maryland:

I move as a substitute for that recommendation, that the resolution on the third degree be adopted instead of the report of the committee. I will read that resolution:

"WHEREAS, The Constitution of the United States in the V Amendment provides that no person 'shall be compelled in any criminal case to be a witness against himself,' and in the VI that he shall not only be entitled to a *public* trial by an impartial jury, but shall 'have the assistance of counsel for his defense'; and

"WHEREAS, The same principles of individual right have been adopted by the various states; and

"WHEREAS, From the common reports of the examinations of accused persons made by the police departments in many of the municipalities throughout this country, such persons are examined in private, without the assistance of any one present to advise them as to their individual rights; and that from the rigid and often harsh examinations accused persons are in effect compelled to be witnesses against themselves contrary to the true intent of the Constitutional provisions and contrary to all sense of fairness and justice; and

"WHEREAS, This Association believes that such practices should be condemned and the individual rights of accused persons should be protected by a uniform law; therefore,

"*Be it Resolved*, That it is the sense of this Association that in all criminal prosecutions no confession of the accused should be received in evidence, unless it is affirmatively shown at the trial that it was made voluntarily, in the presence of a third disinterested person selected by the accused, and not in any way connected with the police department or the prosecuting attorney's office, and after the accused has been informed in the presence of such third party, that while he need not answer interrogatories, nor make a statement, yet if he does the statement would be used against him.

"*Resolved, further*, That appropriate legislation be recommended to carry into effect such protection to the accused."

The President:

Will the Chairman of the committee read the recommendation of the committee in respect to this resolution?

Peter W. Meldrim, of Georgia:

The committee while regretting the existence of such an evil was constrained to report against the adoption of the resolution,

for the reason that the proposition excludes a confession in all criminal prosecutions unless it is shown that it was not only made voluntarily, but in the presence of a third person selected by the accused. The committee believed that the evil of the so-called third degree is local, and not a subject upon which the Association should legislate. They believe that local evils should be corrected at home and by local measures.

Thomas Mackenzie, of Maryland:

I hope that the Association will not adopt the report of the committee in respect to my resolution. Let me say that what led me to offer the resolution was what occurred in the Crippen case. When Crippen was arrested in Canada the first statement made to him by the magistrate was that he need not answer any question, but if he did reply his answers would be used against him. That seemed to me to be very fair, because there have been all through our criminal procedure occasions when persons not convicted of crime, but simply charged with it, have been subjected to examinations bordering closely in their harsh features on the inquisition of the old Spanish kind. If the Canadian practice thus shielded an accused person, I concluded that there must be a reason for it. Upon examination I found that in the 11th and 12th Victoria, there had been passed a statute by the English Parliament, providing that no man accused of crime shall be questioned unless first informed that he need not answer, and that if he does answer his responses may be used against him. Prior to that law, from the time when the Stuarts were driven from the throne, the courts of England invariably followed a similar rule for the protection of accused persons. They would not receive evidence of a confession unless clearly shown to be voluntary. Until the 11th or 12th Victoria that was the law of practice as made by the rulings of the courts. The new statute did nothing more than the former practice so far as the admission of evidence was concerned. By the Constitution of the United States, and the Constitutions of the different states, no accused person shall be made to give evidence against himself; he is to have a public trial and the advice of counsel.

An accused person is very often made a witness against himself contrary to these constitutional provisions. He is not given a public trial when he is examined before the detectives. He is made, in a private trial, so to speak, without counsel to advise him, to be a witness against himself, and his evidence is used against him. If this Association means what its Constitution declares, that its object is to promote justice, this body should put itself on record as opposed to such an iniquitous practice.

The first part of my resolution does not propose anything except that which is already the law. The other provision is that there shall be some protection thrown around an accused person by requiring a disinterested witness to the fact that the confession was a voluntary one.

The American Bar Association ought to put itself on record as opposed to anything which savors of injustice.

Wm. A. Ketcham, of Indiana:

The resolution says in precise language that no confession shall be received in evidence unless it has been formally made in the presence of witnesses—or a disinterested witness—and after the accused person has been advised of his rights in the premises. In other words, if a murderer is caught red handed with a knife in his hand and says, "Yes, I did it; the man did me a grievous wrong and I took the law in my own hands," the resolution prohibits the confession from being offered in evidence, unless the prisoner has been advised that what he says can be used against him. This Association had better say that no confession shall ever be received unless first written down in the presence of a notary and the accused has sworn to its truth. The resolution is a very different proposition from placing the Association on record against the third degree. It is asking us to take the anomalous position that there can be no evidence of admission of guilt unless the party has first called a town meeting, and been advised therein that he has a right to speak or not to speak.

The motion to substitute the resolution for the recommendation was lost. The motion to adopt the first recommendation of

the committee was then carried and the second recommendation of the committee was, thereafter, upon motion, also duly adopted.

Wm. A. Ketcham, of Indiana:

I move the adoption of the recommendation of the committee on the third proposition, which is to the effect that it is not within the province of this Association to take part in any political discussion on woman suffrage.

William V. Rowe, of New York:

I second the motion.

Alfred Hayes, Jr., of New York:

I move to recommit the proposition to the committee which has not taken a position on the merits of it. The only question is whether the committee is right in saying that it is not a question of discussion proper for this body. If the committee were of opinion that the right of suffrage had been denied on the ground of sex alone, would the committee be warranted in saying that that would not be a proper question to consider? If on the merits this committee were of the opinion that any right were denied upon the arbitrary ground of race or sex not warranted by the distinction, then it would cease to be of such a political character that it would not properly come before a body charged with seeing that discriminations in our laws are based upon rules of justice and right. This body has considered questions of a political character. The question of the recall of judges is a question of the most important political character, because it involves the proposition whether or not the servant is greater than the master; whether judges charged peculiarly with the duty of interpreting constitutional law in instances which depend almost solely upon their political views, can or cannot be recalled by the people.

Wm. A. Ketcham, of Indiana (interposing):

I interrupt the gentleman on the point of order that we are not now discussing the subject of the recall of judges. A debate on that subject is not now in order.

The President:

The point of order is well taken.

Alfred Hayes, Jr., of New York:

I will confine my remarks to the subject under discussion. The illustration of the recall of judges is germane to the subject because it shows that this Association at this meeting has considered a question of a political nature. A political question may be acted upon by this body if it involves a question of right and justice.

The motion to recommit was lost. The motion to adopt the third recommendation of the committee was then carried.

Charles A. Boston, of New York:

I desire to move as a substitute for the fourth recommendation of the committee that that part of the report, be recommitment, it appearing that the committee misapprehended the sense of the resolution.

James D. Andrews, of New York:

I second the motion.

The motion to recommit was carried.

Julius Henry Cohen, of New York:

I move the adoption of the original resolution of Mr. Sumner, appearing in the report of the committee and reading as follows:

“WHEREAS, It is a well-known fact that our federal judiciary receive salaries by no means comporting with the high dignity and importance of their office and their distinguished ability and honor in its administration; and

“WHEREAS, This is a matter of concern to all good citizens of the republic without reference to party or political affiliation;

“*Resolved*, By this Association that its President do appoint a committee of five of its members who shall formulate and propose to the Congress of the United States, legislation for the proper compensation of the federal judiciary and shall ask the support and co-operation of all persons and organizations who can assist in the consummation of the same.”

Israel Cowen, of Illinois:

I move as an amendment that the preamble be stricken out.

Julius Henry Cowen, of New York:

My recollection is that the Judiciary Act makes no provision for increase in salaries of District or Circuit judges. Some

the committee was then carried and the second recommendation of the committee was, thereafter, upon motion, also duly adopted.

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Congressmen seemed to think that since we could get judges to accept office at poor salaries we ought to be content; that since there is a scramble for the office at the present salary in some sections, therefore we should continue to disgrace ourselves by continuing the poor pay.

Nothing requires more prompt action by the Association than this subject. I do not favor the increase for the sake of the judges. It would be undignified. I speak for the country and the Bar. The laborer is worthy of his hire. It is a disgrace that men who could earn from twenty-five to thirty-five thousand dollars a year in practice, should serve the country for six thousand dollars. I am not particular as to the exact phraseology of the resolution.

Wm. A. Ketcham, of Indiana:

As an amendment I move the adoption of the last recommendation of the committee. It is:

"In view of the action taken by Congress on this subject, in the passage of a bill entitled 'An Act to codify, revise and amend the laws relating to the judiciary, approved March 3, 1911, and to become effective January 1, 1912,' your committee is of opinion that no further action in this matter is desirable."

Julius Henry Cohen, of New York:

I ask the gentleman to call attention to that provision of the Judiciary Act which covers this subject?

Wm. A. Ketcham, of Indiana:

I will if the gentleman will wait. I want now to say to this body of lawyers that the idea that judges serve for a miserable pittance, who could earn in practice twenty-five to thirty-five thousand dollars a year, is the veriest nonsense. There is not one of them who would be on the federal Bench for a minute at a salary of \$6000, if he could earn twenty-five to thirty-five thousand dollars a year in practice.

The American Bar Association might to advantage permit Congress to formulate and pass laws to govern the administration of justice in the United States. When the Congress of the United States has so done we ought not to take the position of a scolding

woman and find fault. It is idle to say that Congress did not know what it was doing when it passed the recent Act. It considered the salaries before fixing them and it considered the rates paid other judges.

So far as this Association is concerned Congress must be presumed to have acted, whether wisely or unwisely, at any rate intelligently. They do not need the instruction of the American Bar Association as to judicial salaries, and I doubt very seriously whether if they get an instruction from this Association, they would feel in honor bound to follow it.

Frederick Taylor, of New York:

I should like to know what Congress in fact did in respect to the salaries.

Merrill Moores, of Indiana:

Congress fixed every salary by that Act.

Henry H. Glassie, of District of Columbia:

It is a fact that Congress considered the subject of increase of salaries of judges, because the subject was before Congress in the form of an amendment to the Moon bill. Nothing appears in the Act to show whether or not the salaries of district judges were considered; nevertheless, they were, in fact, considered, and no increase was made in them.

Theodore Sutro, of New York:

I am not familiar with the legislation. There is no question but that the federal judiciary, as compared with the state judiciary, notably in New York, is underpaid and always has been. I propose this amendment to the resolution:

“Resolved, By this Association that its President do appoint a committee of five, who shall formulate and propose legislation for the proper compensation of the federal judiciary, and report to this Association at the next meeting.”

Peter W. Meldrim, of Georgia:

That is substantially the resolution upon which your committee has passed. I do not suppose there is any objection to paying fair salaries. The committee knew that this very ques-

tion had been considered by Congress, and to go before that same Congress would not be in accordance with the dignified attitude of the Association.

Theodore Sutro, of New York:

I do not think I have been quite understood by the Chairman of the committee. This resolution reads that the President shall appoint a committee of five to formulate *and propose* to the Congress of the United States legislation for the proper compensation of the judiciary. My amendment was simply that the committee to be so appointed shall investigate the subject and report at the next meeting of the Association. No harm can be done; it may be productive of a great deal of good.

Frederick Taylor, of New York:

I will second the amendment of Mr. Sutro.

The President:

The amendment is then before the House.

Eugene E. Prussing, of Illinois:

There were before Congress two or three bills to increase the salaries of each class of judges. When the Moon bill was on its passage, an attempt was made to amend it by putting in the salaries. The original bill was not reached and the substitutes were turned down. One judge, whom I knew, resigned after he was seventy years of age. For over thirty years he had received \$5000 a year. In the first year thereafter, he received retainers, as counsel merely, of \$25,000. Another Circuit Court judge, whom I knew, refused a retainer which he was told he might write at five figures, and kept his place on the Bench, because he had a contract with the people of the United States to serve during good behavior for a salary which Congress might fix. It is the duty of the country to see that such men are not made the losers. They ought to be paid living salaries in the communities in which they reside. The Circuit Court judge in my city receives \$7000; our state judges receive \$10,000.

Chapin Brown, of District of Columbia:

I am opposed to the recommendation of the committee. It reads:

“In view of the action taken by Congress on the subject in the passage of a bill entitled ‘An Act to codify, revise and amend the laws relating to the judiciary, approved March 3, 1911, and to become effective January 1, 1912,’ your committee is of opinion that no further action in this matter is desirable.”

I am not in favor of putting this Association on record on a false premise. The question was not, in fact, considered by the Moon bill. It was not considered by the Act approved March 3, 1911. The recommendation would put the Association in the position of declaring that the matter was considered and turned down, when that bill related, in fact, to an entirely different branch of the judiciary and concerned particularly the procedure. Incidentally, there was tacked on an increase in the salaries of the Justices of the Supreme Court, but the increase of the salaries of the federal judiciary at large was not considered in the bill. It was considered by the committee on the judiciary—an entirely different committee from that which had the bill in charge. Gentlemen from different parts of the country were heard by the committee which recommended a substantial increase in the salaries of all the judges, but the favorable report was not reached by Congress. If we now pass the recommendation we say that the matter was considered when the bill was under discussion. For another reason I do not favor the resolution. Your committee’s recommendation is that it is “of opinion that no further action in this matter is desirable.” Why? Because it was considered in the bill approved March 3, 1911. If Congress had turned down—which it has not done—the recommendation of the Association, I should still be in favor of the resolution. Because the legislative branch of the government has turned down a recommendation of the Association, it does not follow conclusively that the subject recommended is not desirable. I speak particularly of the District of Columbia. Two organizations in the District of Columbia, representing all of its citizens, 330,000

in number—the Board of Trade and the Chamber of Commerce—unanimously recommended that the salaries of the judiciary in the District of Columbia be increased 100 per cent. When you consider that the Chief Justice of England receives \$50,000 a year, and that the judges of the highest court in New York City receive \$17,500 a year, the salary paid to the judges of the federal courts is picayune. We ought not to turn down the previous recommendation of the Association that the salaries of the federal judges should be increased. Therefore, I second the substitute or amendment, that the resolution referred to the committee, without the preamble, be adopted, so that a committee may be appointed still further to knock at the doors of Congress asking them to formulate and pass an Act for proper increase in the salaries.

J. Bernard Ferber, of Massachusetts:

This matter has not been considered by the present Congress. It was considered by another Congress than that now in session. Whether it was considered by the previous Congress, or not, it might well be that it would be considered favorably by this Congress, which in one of its branches is even of a different political complexion than that of the last Congress.

I favor the resolution referred to the committee as against the report.

Theodore Sutro, of New York:

I want to change my motion in one respect, that is, instead of appointing a special committee, that the subject be referred to the present committee with request to consider the question further and report at the next meeting.

William B. Hornblower, of New York:

Permit me to say that as Chairman of a committee of the New York State Bar Association, I attended in Washington last winter the meetings of the Congressional committees on this subject. A large delegation was present from various states of the union, including representative men from Georgia and from Louisiana. One of the gentlemen who appeared, a gentleman

from Louisiana, had resigned from the Bench of the United States District Court because he could not live upon the salary.

The President:

I suppose the gentleman from New York refers to Judge Eugene B. Sanders.

William B. Hornblower, of New York:

Yes; one of the ablest men of the New Orleans Bar. William G. Choate, of New York City, resigned because he could not live on the salary of a federal district judge. Those are two instances within my knowledge. I also understand that Judge Duell, of New York, resigned for the same reason. We appeared in great force before the Congressional committees and we made what we considered very satisfactory and convincing arguments. We thought that many of the committee were favorably impressed. Mr. R. Wayne Parker, of New Jersey, was Chairman of the House Committee on the Judiciary before whom the argument was made. I forget just what report the committee made, but the subject came up before Congress, and was debated at great length—not in connection with the judiciary bill or the bill to revise the Judiciary Act of the United States, but on the special bill relating to salaries; and Congress disapproved of the proposition to increase the salaries of the District and Circuit Court judges. To that extent the committee is justified in its report. It is not technically justified in stating that the matter was passed upon by the passage of the general Judiciary Act, but that the matter was passed upon by Congress, or by the House of Representatives, after a debate on the precise question of increase of salaries. I do not so much criticize the report of the committee as I criticize the spirit of the report. I also agree with the suggestion, that as there is a new Congress there is an opportunity to raise the question again; and for one I am so strongly convinced of the crying injustice of the present system of compensation that from now until my dying day, I shall insist with all the vigor that I possess upon the removal of that injustice. It may be that in some districts the federal judges do receive fair compensation, but on the whole, I contend that

it is not true. Certainly in great cities like New York and Chicago the compensation of the United States Judges is grossly inadequate as compared with that of state judges. I am strongly in favor of having a motion carried which shall commit the Association to the increase.

Edward Q. Keasbey, of New Jersey:

The resolution of the committee says that such action is not desirable. I think this Association should not go on record as expressing that idea. If the recommendation is to be passed at all, certainly it should state no more than that it is not desirable at the present time. This Association is not bound by the fact that Congress did not take further action. The argument before the committee came with the strongest force from the men in states where the judges of the federal courts were already getting larger salaries; yet the members of the Bar from those states declare that it is a disgrace to the country that the federal judges should receive the small salaries they are getting.

Nathaniel W. Ladd, of Massachusetts:

The government of the country is not yet turned over to the American Bar Association. We ought all to feel that we wish to preserve the influence of the Association, especially with the members of Congress with whom the government of the country rests, and we hope, will continue to rest. This committee is right in saying that when Congress has acted so recently on the question and has considered it in all phases, further action in the matter is not desirable. We should rest satisfied until the action of Congress has had a reasonable trial. When we express ourselves in convention, we want our resolution to have weight. I do not agree that the report contemplates that the matter should never be acted upon in the future. I think it leaves the door entirely open.

Emmett O'Neal, of Alabama:

I cannot subscribe to the proposition that this Association will lose influence with the American people by differing with Congress on a matter of public policy. The Congress are only the

servants of the people; this Association constitutes a very important part of the people. The question is whether Congress has acted justly and wisely. Every member of the Association knows that the present salaries of the District and Circuit judges are utterly inadequate. The question is, what is our judgment on that proposition. Do we think they are sufficient? If we do, we should adopt the recommendation of the committee. If we believe the contrary, and that the committee fails to voice the sentiment of the American Bar Association, we ought to have the courage so to declare. The proposition of the report is that no further action be taken. I differ with the committee. I believe, and I think every lawyer here knows, that the present salaries of the District judges of the United States are a reflection upon this great republic; upon the dignity and honor of the profession. I believe the time has come when we should express our opinion. There seems to be a difference of opinion as to whether Congress has acted on the question, but if Congress has acted unwisely, I do not think we can lose the respect of the American people by expressing our convictions. I move to lay the substitute resolution of Mr. Ketcham on the table.

Clyde C. Dawson, of Colorado:

I second the motion.

Frank J. Hogan, of District of Columbia:

I rise for information. Does carrying this motion to lay the substitute on the table carry with it the main motion for which it was a substitute?

The President:

Yes, sir.

Peter W. Meldrim, of Georgia:

I beg to differ with the Chair. A motion was made, that the original resolution referred to the committee, excepting the preamble, be adopted, and then an amendment was made that the subject matter of the resolution be referred back to the committee, whereupon Mr. Ketcham moved as a substitute that the recommendation of the committee be approved.

The President:

A motion was made that the original resolution referred to the committee excepting the preamble be adopted by the Association. Mr. Sutro, of New York, then offered an amendment that the subject matter of the resolution be referred back to the committee. Mr. Ketcham then moved as a substitute that the report of the committee be accepted and approved. Now Governor O'Neal, of Alabama, moves to lay Mr. Ketcham's substitute on the table; that question will now be put.

The substitute was then laid on the table.

Frank J. Hogan, of District of Columbia:

I ask what the status of the main question now is?

The President:

The Chair was wrong before. The status now is, the substitute having been laid on the table, that the question recurs to the original motion.

Julius Henry Cohen, of New York:

My motion was to adopt the original resolution without the preamble.

Theodore Sutro, of New York:

And I moved to amend that the resolution be referred back to the committee.

The President:

The Chair so understands it.

Theodore Sutro, of New York, then read his amended resolution as follows:

"Resolved, By this Association that the resolution referring to the salaries of the federal judiciary be referred back to the Committee on Jurisprudence and Law Reform with the request that they investigate the matter further and report at the next meeting of the Association."

Peter W. Meldrim, of Georgia:

The committee has not the slightest objection to the recommitment. The committee was instructed to consider a resolution to the effect that a committee of five be appointed to

formulate and propose to Congress a plan for an increase in the salaries of the judges. The committee understood that the subject matter was discussed by Congress. No technical question is now raised. We understood, and it is a fact, that this question was fully considered by the Judiciary Committee of the House of Representatives, of which Mr. R. Wayne Parker was Chairman. That committee reported against it, and the final judgment of Congress, as pronounced, found expression in this bill. Your committee did not think it wise to say to Congress that the American Bar Association comes to you now, and announce: Here is a committee of five who are formulating this legislation, and we propose that you shall pass it. Congress could very well reply: "We have just considered this matter, and have decided the case." The question is neither whether Congress was right, nor whether the salaries should be increased. It is: Did your committee do right, having due regard to the dignity of the Association and to the practicability of the work? That is the question.

John B. Baskin, of Kentucky:

I move that Mr. Sutro's amendment be laid on the table.

Julius Henry Cohen, of New York:

If that is done, will it carry my original resolution?

The President:

Yes, sir.

Julius Henry Cohen, of New York:

Then I ask Mr. Baskin if he will not withdraw his motion.

Ernest T. Florance, of Louisiana:

The whole trouble comes from the fact that Mr. Sutro has called his resolution a motion to amend. It is not a motion to amend. It is a motion to recommit.

The President:

It is a motion to amend another motion.

The President:

Does the gentleman withdraw his motion to lay Mr. Sutro's amendment on the table?

John B. Baskin, of Kentucky:

I do not.

The President:

The Chair will explain Mr. Sutro's motion. The original motion was that the Association should adopt the resolution presented at the last meeting, but leaving out the preamble. Mr. Sutro moved an amendment to the effect that instead of appointing a committee of five, as that motion had called for, the resolution should be recommitted to the committee making this report.

Theodore Sutro, of New York:

That is so far correct.

Peter W. Meldrim, of Georgia:

There will be a new committee, I suppose.

The President:

No; the committee is a standing committee. The personnel may change. The point is now made that the motion to lay the amendment on the table will carry with it the principal question and the Chair now so rules.

The motion of Mr. Sutro was then laid on the table, and the original resolution as presented to the Association in 1910, excluding the preamble, was thereupon adopted.

Henry D. Estabrook, of New York, then submitted the printed report of the Committee on Judicial Administration and Remedial Procedure, and stated the purport and substance thereof.

On motion, duly seconded, the report was received and adopted.

(See the Report in the Appendix, page 387.)

The President:

The next committee to report is the Committee on Legal Education and Admission to the Bar, of which Professor Rogers is Chairman.

Henry Wade Rogers, of Connecticut:

The Association has referred no matter to the Committee on Legal Education and Admission to the Bar. The committee has entered upon some independent inquiries not yet concluded. It does not desire to report at this time.

If the committee is continued during the next year, it will conclude its inquiries and will be prepared to submit a comprehensive report at the next annual meeting.

Francis B. James, of Ohio, submitted the printed report of the Committee on Commercial Law and stated the purport and substance thereof.

On motion, duly seconded, the report was received and its recommendations adopted.

(See the Report in the Appendix, page 390.)

Charles Noble Gregory, of District of Columbia, submitted the printed report of the Committee on International Law, and stated the purport and substance thereof.

Ernest T. Florance, of Louisiana:

I move that the committee be permitted to file its report and have the same printed in the proceedings.

The motion was seconded and carried.

(See the Report in the Appendix, page 396.)

Frederick W. Lehmann, of Missouri:

There was referred to the Committee on Grievances at its last meeting, held in Chattanooga, Tennessee, the petition of one James R. Watts making certain charges with which the name of Joseph H. Choate, of New York, was connected.

The same man who introduced the petition in Chattanooga asked leave upon the next day to withdraw it, and his request was also referred to the committee. The committee now reports

that it has considered the matter and has reached a unanimous conclusion—with the exception of Mr. Peck, whose state of health did not permit him to take part in the consideration. It is as follows:

The Committee on Grievances, to which was referred the petition of James R. Watts, together with the request afterwards made to withdraw the same, respectfully report that after a careful and deliberate consideration of the petition the committee unanimously recommend that the request to withdraw be granted. The committee has reached this conclusion the more readily for the reason that as against Mr. Choate the petition is on its face utterly frivolous and devoid of merit, and, by its terms, demonstrates that its introduction was unjustifiable. The committee, therefore, recommends the passage of the following resolution:

“Resolved, That the report of the Grievance Committee in the matter of the petition of James R. Watts be and it is hereby approved, and that leave to withdraw such petition be and it is hereby granted;

“Resolved, That the said petition, together with all references thereto, be stricken from the files and from the records of this Association.”

The report is signed by J. M. Dickinson, Charles F. Libby, Alton B. Parker, and myself. I move its adoption.

Stephen H. Allen, of Kansas:

I second the motion.

The report and the resolution contained in it were unanimously adopted.

The Assistant Secretary:

The printed lists of members and delegates in attendance are on the Secretary's table ready for distribution. The General Council listed in the first edition is the former General Council; the second edition will contain the names of the present General Council. There may be some errors in the names as printed because of difficulty in reading the signatures on the register.

The Association then adjourned until 10 o'clock A. M. Wednesday, August 30, 1911.

SECOND DAY.

Wednesday, August 30, 1911, 10 A. M.

The President called the meeting to order.

The Secretary:

Attention is called to the fact that the second list of members in attendance at this meeting will be ready for distribution at 11 o'clock this morning. All members are requested to verify the list carefully that corrections may be made.

All nominations for Vice-Presidents and members of Local Councils should be handed in as promptly as possible.

The New General Council will hold an important meeting at 9 o'clock tomorrow morning in this building, room No. 16.

The sessions of the Section of Legal Education will be held in room 23 of the Walker Building, No. 525 Boylston Street, the first session beginning at 3 o'clock this afternoon.

The President:

I have the honor to introduce a distinguished ex-Justice of the Supreme Court of the United States, who has retired from the Bench, but has employed a part of his leisure in studying the new Judicial Act passed by the last Congress. He has graciously consented to read to us a paper on that legislation. I have the honor to present Hon. Henry Billings Brown, of Michigan.

Henry B. Brown, of Michigan, then delivered his address.

, (*See the Appendix, page 339.*)

The President:

Is there any discussion upon the subject matter of the paper read by Mr. Justice Brown?

R. Wayne Parker, of New Jersey:

I desire to express what I believe cannot be done by resolution—the thanks which every member of this Association feels to the eminent gentleman who has just addressed us. His speech has, perhaps, gone far beyond anything that was in the subject, yet it has not gone beyond that because the constitu-

tion of the courts of the United States involves essentially within that topic the administration of all the laws, and the Constitution of the United States brings those topics home to us as absolutely a part of the subject discussed.

The bill revising and codifying the laws with reference to the courts and the judiciary of the United States was introduced and carried by the Committee on the Revision of the Laws, of which I was not personally a member, having been a member of the Committee on the Judiciary which had for its object the consideration also of the judiciary of the United States. My own committee was in absolute sympathy with every provision of the Act except with one. We were not agreed that it was well to take away from the Justices of the Supreme Court and the judges of the Circuit Courts, the power of original jurisdiction vested in them from the adoption of the Constitution. For that reason the House of Representatives adopted an amendment proposed by Mr. Parsons, of New York, and strongly supported by all the members of the committee of which I had the honor to be one—an amendment that each of the Supreme Court Justices and the Circuit judges shall, in every district within their circuit, have the power and authority of a district judge. The idea of that amendment was that instead of 95 separate courts, one in each district presided over by a single judge so that you could run about and find your particular judge, as it is sometimes alleged to be done in certain cases of patents or injunctions, there should at least remain only nine circuits, in each of which the district is a part of the jurisdiction of the court. Thus if you had a case involving twenty or thirty million dollars, you would possibly find the judges of the Circuit Court, or perhaps even the Circuit justice himself, would attend of his or their own motion, without being asked, and see that justice be done in the beginning, and that errors were not committed which would make the trial a sham. That principle is embodied in the bill, where it says that no injunction shall be granted against the execution of a state law unless granted by three judges. It is better that the court themselves shall determine on the importance of any particular case than

that the legislature shall try to do it beforehand. That principle is embodied in cognate legislation with reference to the Court of Commerce, in which it is provided that no injunction shall issue in any railroad case without the attendance of three judges. The principle is that the great powers of injunction and control, all over the United States, shall be exercised by a competent court, which shall determine in each case how many judges shall sit and what judges shall sit in the original trial of a great case and see that it is properly tried. That power of jurisdiction and control was exercised years ago in the city of New Orleans when there was so much sympathy for Cuban filibusters that one of the Justices of the Supreme Court went down there and tried the cases himself lest injustice be done. That power has been exercised from time to time by the Justices of the Supreme Court—not always in going to the Circuit Court, but in suggesting how a trial shall be conducted, what judges shall sit, and even sometimes as to what matters shall be certified. That control has been held over the original trial of cases by the Circuit judges, and I deprecate the enormous change made by this bill which throws upon one judge the whole power within a district. Sympathizing with the report of the committee on that subject, not only in its language, but in its deprecation of this fact, I hope that the Committee on Jurisprudence and Law Reform will formulate and report a resolution that we shall return to the principles of the Constitution by supporting a provision:

“Resolved, That each Circuit justice and Circuit judge shall, in every district within his circuit, have the power and the jurisdiction of a district judge.”

Charles L. Jewett, of Indiana:

I rise to express the gratitude which this Association owes to the distinguished member for this notable address. I do not refer to the illuminating and invaluable exposition of the Judiciary Act, but to the concluding portion of his address. It was time that some such sentiments should be uttered within the hearing of this Association. Nothing pleased me more than the hearty applause that evidenced the approval of his sentiments by this Association.

Now, indeed, the great command has been obeyed that "stand ye in the ways and seek and ask for the old paths." Our country well justifies at present the satirical words of Charles Wagner in his "Simple Life," wherein he declares that modern society is a great fair, with every man standing in front of his own tent, beating a drum in an effort to attract attention to himself and his wares. This age of experiment, of nostrum and of investigation, may work for the betterment of our land, but the American Bar Association cannot enter into the rivalry. It must remain the one conservative body in this republic, now and forever.

Nathan William MacChesney, of Illinois:

I wish to introduce a resolution at the suggestion of the Illinois State Bar Association that it may be referred to the Executive Committee. It is as follows:

"*Resolved*, That there shall be printed in connection with the canons of ethics a topical index of the general form hereto attached."

The resolution was referred to the Executive Committee.

The Secretary read the report of the Committee on Obituaries and during the reading thereof, the members of the Association and guests in attendance arose and remained standing out of respect to the deceased members.

(See the Report in the Appendix, page 409.)

Edward Q. Keasbey, of New Jersey, then submitted the printed report of the Committee on Law Reporting and Digesting and stated the purport and substance thereof.

The report was adopted.

(See the Report in the Appendix, page 412.)

Robert S. Taylor, of Indiana, then submitted the printed report of the Committee on Patent, Trade-Mark and Copyright Law and stated the purport and substance thereof.

The President:

Have you any recommendation to make in the report?

Robert S. Taylor, of Indiana:

Simply that the Association persevere in its efforts to secure the establishment of the Court of Patent Appeals; and to that end I offer a resolution as follows:

"Resolved, That the Report of the Committee on Patent, Trade-Mark and Copyright Law be accepted and approved and the committee be directed to continue its efforts to secure the passage of the bill creating a United States Court of Patent Appeals in the form as nearly as possible embodied in its report."

The resolution having been seconded was adopted.

(See the Report in the Appendix, page 417.)

Robert S. Taylor, of Indiana:

Two years ago the committee sent out cards to all members of the Association asking them to signify to us whether they would be willing to help along in this work. Five hundred members returned an affirmative answer. We shall make the same sort of an appeal to you this fall, if we are continued on the committee, and we hope to receive similar answers.

Frederick L. Geddes, of Ohio, submitted the printed report of the Committee on Insurance Law and stated the purport and substance thereof.

The report was received and adopted.

(See the Report in the Appendix, page 427.)

Walter George Smith, of Pennsylvania, submitted the printed report of the Committee on Uniform State Laws and stated the purport and substance thereof, and added:

This Association will doubtless be glad to know that the Conference of Commissioners on Uniform State Laws has formulated two additional uniform Acts which this body cannot pass upon at the present time because the text has not been submitted to the Association. Those Acts are a Uniform Marriage Act, and a Uniform Child Labor Act. The conference just closed in this city was attended by delegates from thirty-two states, and they formulated these Acts, and have others under consideration.

With this explanatory statement I move the adoption of the following resolutions:

“1. *Resolved*, That the American Bar Association approves the principles covered by the Act recommended by the Conference of Commissioners on Uniform State Laws, entitled ‘An Act relating to Desertion and Non-Support of Wife by Husband or of Children by either Father or Mother and providing Punishment therefor and to Promote Uniformity among the states in reference thereto,’ it being intended hereby merely to express the approval of the Association of the general principle of penal legislation relating to deserters of their families as embodied in the proposed Uniform Act, leaving to the legislatures of the different states to adopt these principles in such form as seems to them desirable.

“2. *Resolved*, That the American Bar Association approves the draft of an Act entitled ‘An Act Relative to Wills executed without the state and to Promote Uniformity among the states in that respect.’

“3. *Resolved*, That these Acts, together with the other acts heretofore approved by this Association, be recommended for adoption by the legislatures of all the states that have not yet adopted them.”

I ask for a vote upon the first of these resolutions, namely, the one relating to wife desertion.

Amasa M. Eaton, of Rhode Island:

I second the motion.

The first resolution was adopted.

Walter George Smith, of Pennsylvania:

I move the adoption now of the second of the resolutions, the one relating to foreign wills.

William L. January, of Michigan:

I second its adoption.

Wm. A. Ketcham, of Indiana:

I rise for information. Do I understand the recommendation of the committee to be that wills should be admitted to probate notwithstanding there was no attestation at all?

Walter George Smith, of Pennsylvania:

Yes. Whatever be the law of the jurisdiction where the will is executed, if the will is executed in accordance with that law, or if it be executed in a foreign jurisdiction in accordance with the law of the domicile of the testator, it shall be approved, provided that the will be in writing and signed by the testator.

Wm. A. Ketcham, of Indiana:

It occurs to me that it is a very dangerous innovation on the subject of wills to permit a will to be probated that will pass property anywhere and everywhere without safeguards almost universal in every state in the union. I am loath to antagonize a report made by so careful and intelligent a committee, but personally I am not willing to subscribe to the proposition that there shall be no safeguard whatever, except the signing of the will by the testator.

Walter George Smith, of Pennsylvania:

It should be explained to my friend from Indiana that the will must be probated in accordance with the laws of the state; it must be shown that the paper was signed by the testator as his will, and that he was of sound and disposing mind at the time he signed it. That is the law now, certainly in my own state, and this law which has met with the criticism of my friend from Indiana, which I cannot but think is based upon a misinterpretation, has been accepted by Kansas, North Dakota, Massachusetts, Wisconsin and Rhode Island.

George Whitelock, of Maryland:

It was already the law of Maryland and Massachusetts in slightly different form, before the subject was discussed in the Conference of Commissioners. There the law was most fully debated and every aspect of the matter was thoroughly considered, and it was afterwards approved. In a case which I argued in the Maryland Court of Appeals the will depended upon the law of France, and the validity was upheld. The will was executed in France by an American, originally a citizen of Maryland. It gratified the requirements of the Code Napoleon,

which are that no other formality is necessary if the will is written, signed and dated exclusively in the handwriting of the testator. The comment was made by opposing counsel in the argument that we might next have a case from the Fiji Islands where the rubbing of two sticks together is said to be sufficient to transfer title to real estate, but the court, commenting upon that proposition said:

“Our statute provides for wills made according to *law*, and it will be time enough to determine whether one made according to the customs of barbarians or savages is embraced in that term, when some person having property in Maryland attempts to follow such custom.”

Now the Commissioners on Uniform State Laws have carefully considered what requirements are essential. They have determined them to be the writing and the signing. There should be no difficulty in our accepting for the Association the conclusions of the Commissioners reached after threshing out the whole matter for several years, adopted by them unanimously and already the law of five states of the Union.

The President:

Before putting the question I desire to say for the information of the Association that the principle in question has been the law in Louisiana since it was admitted to the union.

George Whitelock, of Maryland:

I might add that the Court of Appeals of Maryland has sustained both a Swiss and a French will in which the grossest injustice would have been done if adherence to the requirements of the law for wills executed in Maryland had been necessary.

The second resolution was then adopted.

Walter George Smith, of Pennsylvania:

I now move the adoption of the third resolution, which is that these acts, together with other acts heretofore approved by the Association be recommended for adoption by the states that have not yet adopted them.

Amasa M. Eaton, of Rhode Island:

I second the motion.

The third resolution was then adopted.

(See the Report in the Appendix, page 430.)

Theodore Sutro, of New York:

The Committee on Taxation has not printed its report.

Our committee submitted a report in Detroit asking for a sufficient appropriation to enable it to compile and digest the laws of the several states providing for taxation of inheritances, preliminary to framing a model inheritance tax law. The Association voted to appropriate one thousand dollars for this committee for this preliminary work. Under this resolution the Executive Committee early in 1910 decided to vote \$250 to this Committee. The committee, however, deemed this sum too small to enable it to secure competent assistance for the proposed work, and did not draw the money. In the meantime similar work was taken in hand by a Committee of the International Tax Association, and that committee submitted a report at the Conference on Taxation held in Milwaukee on September 1, 1910, suggesting a draft of a model inheritance tax law and containing a summary of the main provisions of the inheritance tax legislation of the several states. In January, 1911, a Conference on Taxation was held in the city of Utica, N. Y., at which a resolution was adopted approving the general features of the model inheritance tax law of the International Tax Association; and at the last session of the New York Legislature the model law recommended by the Utica Conference was in substance adopted, and was approved by the Governor on July 21st of this year.

The committee does not desire any action of the Association at this time looking to approval of a model inheritance tax law. It does ask, however, that the resolution passed at Detroit in 1909, appropriating \$1000 to the committee, be readopted.

It ought thus to be able to present to the next annual meeting a form of inheritance tax law which the Association can approve and recommend for adoption by the legislatures of the various states.

This question has attracted the attention of the whole country. It is of the greatest importance. Under the existing conditions there is not only double taxation, but sometimes triple and even quadruple taxation.

The President (interposing) :

What report does your committee make otherwise than that it has done nothing?

Theodore Sutro, of New York:

We ask for a readoption of the former resolution appropriating to us the sum of one thousand dollars, and we report progress and ask for further time to report a model inheritance tax law.

The President:

Will you formulate such resolution as you desire?

Seneca N. Taylor, of Missouri:

This is a report that the committee has done nothing. I move it be laid on the table.

Joseph R. Edson, of District of Columbia:

Let the report be received.

Seneca N. Taylor, of Missouri:

Has the committee done anything?

Albert W. Biggs, of Tennessee:

I am a member of the committee. There has never been anything done, and, as I understand the substance of the report made by the Chairman, it is that it is not now necessary for the committee to expend the money of this Association for the work, because some other organization has done the work and a model inheritance tax law has been passed in the State of New York approved only a few weeks ago. Therefore, the Chairman of the committee says to the Association that it is desirable to have the New York law observed in its workings, and that at some future meeting of this Association the committee may get busy and make a report, but that at the present time it simply reports nothing done.

Theodore Sutro, of New York:

No, we report progress.

Albert W. Biggs, of Tennessee:

Progress by other bodies, but not by the committee; and the committee asks that the report be received and filed.

The President:

The report of the committee as made by the Chairman goes further than that. It asks that there be appropriated to the committee the sum of one thousand dollars.

Albert W. Biggs, of Tennessee:

Unless there is a resolution asking for that expenditure, such action could not be carried into effect. Of course, if this committee needs any money for expenses to be incurred in future work, the Executive Committee would make an appropriation. Is that correct?

The Secretary:

The resolution, or request, would have to go to the Executive Committee, and, of course, the Executive Committee would consider it.

Albert W. Biggs, of Tennessee:

In other words, this committee could not expend the money unless it were authorized by the Executive Committee. Therefore, I do not think we need any action by the Association as to the thousand dollar resolution.

The President:

Then that resolution should not be included in the report.

Albert W. Biggs, of Tennessee:

I move that that part of the report made by the Chairman, which asks for the appropriation of one thousand dollars be stricken out and that the report be then approved.

Seneca N. Taylor, of Missouri:

If that is stricken out, I withdraw my motion to lay the report on the table.

Ernest T. Florance, of Louisiana:

It seems to me that the report amounts to nothing more than a simple report of progress, and that nothing can be done except to file the report. The substance of the report is pretty well covered by the words of W. S. Gilbert:

“The House of Lords throughout the War,
Did nothing in particular,
And did it very well.”

I move that the report be received and placed on file.

The President:

I should say that the suggestion of the gentleman from Louisiana really amounts to a point of order which would be well taken if the report did not call for an appropriation.

Amasa M. Eaton, of Rhode Island:

But I understand that is stricken out now.

The President:

Yes; the motion made by Mr. Biggs meets that point. He moves that the report be received and accepted after striking out the request for an appropriation.

The motion to approve the report as modified was then carried.

Charles Henry Butler, of New York, submitted the printed report of the Special Committee on Compensation for Industrial Accidents and their Prevention and stated the purport and substance thereof. He then moved that the report be accepted, that the committee be continued, and that power be given to the committee to report upon such plan as it may approve in regard to compensation for industrial accidents and their prevention.

Francis Lynde Stetson, of New York:

I rise to second the motion, especially as to that part of it enlarging the jurisdiction of the committee. I happen to be the Chairman of the Law Committee of the National Civic Federation on this subject, the admirably printed report of which is principally the work of Mr. P. Tecumseh Sherman. It has

attracted much attention, and I call attention to the fact that this matter is now receiving the consideration of a Commission of Congress, which will pass upon this question finally and most likely will take as a basis for its action the bill introduced by Mr. Lewis, of Maryland. The Lewis bill is one to which the National Civic Federation is likely to give its support, as it is founded upon a model bill drawn by the federation itself. I trust that the members of the Association generally will take cognizance of what is intended by the bill of Mr. Lewis now before the Commission and which will be taken up probably on the 15th of November. It is likely to be presented to Congress at its next session.

Thomas W. Shelton, of Virginia.

As a member of both committees, I should like to endorse what Mr. Butler has said, and also the statement just made by Mr. Stetson.

The motion made by Charles Henry Butler was carried.

George Whitelock, of Maryland, submitted the printed report of the Special Committee to Present to Congress Bills Relating to Courts of Admiralty and stated the purport and substance thereof.

The report of the committee was accepted and the committee continued with authority to the committee to make such amendment of phraseology in the bills as may seem appropriate after conferring with the Judiciary Committees of Congress.

(See the Report in the Appendix, page 486.)

No report was submitted by the Committee on Government Liens on Real Estate.

The report of the Comparative Law Bureau was received and placed on file.

(See the Report in the Appendix, page 446.)

The Association took a recess until 8 P. M.

EVENING SESSION.

Wednesday, August 30, 1911, 8 P. M.

The President called the meeting to order.

Hon. William B. Hornblower, of New York, was introduced by President Farrar and delivered the annual address on "Anti-Trust Legislation and Litigation."

(See the Appendix, page 304.)

The President being called out on a personal matter, Mr. Walter George Smith, of Pennsylvania, temporarily occupied the Chair.

Everett P. Wheeler, of New York, submitted the printed report of the Committee to Suggest Remedies and Formulate Proposed Laws to Prevent Delay and Unnecessary Cost in Litigation and stated the purport and substance thereof.

The Association adopted *seriatim* the first, second, third, fourth and fifth resolutions recommended by the committee.

Everett P. Wheeler of New York:

The committee has instructed me to ask leave to amend the sixth resolution, and for the reason which I now state. Since the report was drafted, the committee has been requested by the Supreme Court to co-operate in the pending revision of the Equity Rules, and has also been requested to do the same by committees appointed in the different circuits, and a meeting of those committees in Washington has been called for the 23d day of October, in which meeting your committee is asked to co-operate. I therefore read the amended resolution, which we ask to be passed in view of that invitation:

Resolved, That the said committee be instructed to bring the portion of the report relating to equity practice to the attention of the Justices of the Supreme Court of the United States, and that said committee be authorized to meet and confer with the committees appointed by the several Circuit Courts of Appeals at the request of the Supreme Court of the United States, on the revision of the Equity Rules of Practice.

The amended resolution was thereupon adopted and the last resolution appended to the report of the committee was also adopted.

Everett P. Wheeler, of New York:

I now move—and in doing so permit me to express the thanks of the committee for the cordial support given us by the Association—that the report as a whole be accepted and its resolutions as a whole be adopted.

Thomas W. Shelton, of Virginia:

I second the motion.

Clarence C. Hieatt, of Kentucky:

It may be necessary to move a reconsideration of the vote on the first resolution to make myself parliamentarily correct. I call attention to the language of the second sentence in the bill passed by the lower branch of Congress and shown in Schedule A of the report of the committee. That sentence reads that “the trial judge may,” etc. It is my recollection that when the matter was first brought before this Association several years ago the sentence read that “the trial judge must or shall” in every case submit to the jury the issues of fact arising on the pleading. As the Chairman of the committee has stated, the object of this legislation is to secure in the trial of every jury case a verdict upon all of the facts, so that when the case comes before the court on a motion for a new trial or when it comes up on appeal, the court can dispose of the whole question upon the issues of law without the necessity of a retrial of the issues of fact.

Now it was my understanding that the object of this legislation was to accomplish that purpose. When this matter was first brought before the Association the language of the Act was so worded as to accomplish that result, making it obligatory upon the court, in every case, to let all of the facts in before the jury and have a finding upon them, so that the whole record would be complete on appeal. Now in some way that language has been changed so as to leave it merely optional with the trial

court. Then there is another phase of this proposition which I think the Association ought to have clearly in mind before directing the committee to present it again to Congress, and that is: That the wording of the Act now proposed may work an injustice to the plaintiff, and give any benefits that may be derived from it to the defendant. Under the language of the Act the power of the court to enter a judgment upon the law, regardless of the finding of the jury, is enlarged to some extent. That would be proper if the original language were used and it were made obligatory in every case to submit the entire facts to the jury.

Henry H. Ingersoll, of Tennessee:

I rise to a point of order. There is no motion before the house to which the gentleman is speaking.

Chairman Smith:

There is a motion before the house that the report be received and adopted as a whole. The Chair understands the gentleman from Kentucky to be explaining why he is about to move a reconsideration of the vote by which the first resolution was adopted. It seems to the Chair that he is in order.

Henry H. Ingersoll, of Tennessee:

Did the gentleman vote in favor of accepting the resolution? If he did not, he cannot move to reconsider the vote by which that resolution was adopted.

Clarence C. Hiatt, of Kentucky:

I did. I think this Association should be very careful not to urge any legislation which would discriminate in favor of one class of litigants as against another. I think it would be a serious wrong if this Act as proposed, and as the committee secured its passage through the lower house of Congress, would have the effect of enlarging the powers of the court over facts, and at the same time take away from the plaintiff the right of having the whole case presented and having a finding of fact by the jury upon that case, so that the whole record shall be before the Appellate Court when it comes to consider the appeal.

I move a reconsideration of the vote by which the first resolution was adopted; and I move further that the committee be instructed to urge upon Congress the passage of the Act as set out in Schedule A, only substituting the word "shall" for "may" and the word "every" for "any."

Chairman Smith:

Is the gentleman's motion seconded?

John G. Tomlin, of Kentucky:

I second the motion.

Roscoe Pound, of Massachusetts:

As originally drawn the proposed measure used the word "must." At the meeting of the Association in Seattle after a full debate that word was changed to "may." I think the gentleman from Kentucky comes from one of three or four commonwealths, where, as at common law, the power of reserving questions of law exists. Possibly he is not aware of the fact that it does not exist generally and hence does not exist generally in the federal courts. So that we are giving plaintiffs something that they do not generally possess in the federal courts. Our object in using the word "may" instead of "must" was not to make it obligatory upon the courts to reserve questions of law, in cases where upon the pleadings or the plaintiff's claim there is no cause of action, and, therefore, it would be a waste of time to go into the complete taking of all the evidence.

The motion to reconsider was put and lost.

Chairman Smith:

The question now recurs upon the motion made by Mr. Wheeler, that the report and the resolutions contained in it be approved as a whole.

Alexander H. Robbins, of Missouri:

The last part of this report deals with something else than the mere resolutions to which there may be an objection. I disagree with much in the latter part of the report not yet read. If the report is not approved as a whole, but the resolutions merely are adopted, the situation would be cleared.

James D. Andrews, of New York:

I am ready to vote for the motion as put by Mr. Wheeler as I understood it, which was that the report be accepted. The Chair said "accepted and *approved*."

Chairman Smith:

If the Chair incorrectly stated the motion as made, he is glad to be corrected.

The motion to accept the report was carried.

The Association then adjourned until 10 A. M., Thursday, August 31, 1911.

THIRD DAY.

Thursday, August 31, 1911, 10 A. M.

The President called the meeting to order and introduced Robert S. Taylor, of Fort Wayne, Indiana, who read a paper on "Equity Rules 33, 34 and 35."

(See the Appendix, page 361.)

The Assistant Secretary read additional names recommended by the General Council for election to membership in the Association, and the proposed new members were then elected.

(See New Members marked (‡) in State List, page 179.)

The President:

The next business is the nomination of officers of the Association.

William P. Bynum, of North Carolina:

The General Council nominates the following gentlemen as officers of the Association for the ensuing year: For President, Stephen S. Gregory, of Illinois; for Secretary, George Whitelock, of Maryland; for Treasurer, Frederick E. Wadhams, of New York.

As members of the Executive Committee: Ralph W. Breckenridge, of Nebraska; Lynn Helm, of California; John Hinkley, of Maryland; Hollis R. Bailey, of Massachusetts, and Aldis B. Browne, of the District of Columbia.

The President:

Under the By-laws the report lies over until later in the session.

James M. Beck, of New York:

If miscellaneous business is in order I make a motion which I believe will receive general acquiescence, yet with your indulgence I should like to explain it in a very few words.

Some years ago I visited Richmond and with very deep interest went to see the home of Chief Justice Marshall. I was told that which surprised me—that there was some possibility that this historic mansion, perhaps only second in interest to Mount Vernon, might pass out of the hands of the municipality, and share the fate of New Place, the property which Shakespeare bought in the days of his prosperity and renown, and which a subsequent purchaser ruthlessly tore down to the intense disgust of all future generations. When I returned to Washington I spoke to several of the Justices of the Supreme Court about it, especially the lamented Brewer, and they expressed their great solicitude in the matter. Some months ago I was gratified to be informed that the city of Richmond, in order to preserve forever the home of John Marshall, had purchased it and deeded it in trust to the Association for the Preservation of Virginia Antiquities, and it was the Association's design not only to hold the place in perpetual trust, but also as far as possible to furnish it not merely with the furniture that Marshall had used, but with the books that he had left and with all the writings and manuscripts that bore his signature and could possibly be gathered together to make the nucleus of a John Marshall Museum. I was recently informed that the local Bar of Richmond had appropriated \$500 to that very worthy object, and that the Bar Association of Virginia had appropriated \$1000. It seems to me that the American Bar Association, which can have no secondary interest where the name and fame of Marshall are concerned, should not be behind its brethren of Virginia. Therefore, I move that the Executive Committee of the American Bar Association be authorized to confer with the Association for the Preservation of

Virginia Antiquities, the present trustee of the John Marshall home, and in its discretion, make such appropriation as it thinks proper to the perpetual preservation of the home of John Marshall.

The motion was put and carried.

Thomas Mackenzie, of Maryland:

I have a resolution that I should like to offer and have referred to the proper committee.

Charles A. Boston, of New York:

I have two resolutions which I will not read, but will pass up to the Secretary's desk and ask that they be properly referred.

Thomas W. Shelton, of Virginia:

I also have a resolution which I will pass up and ask to have referred to the Special Committee to Suggest Remedies and Formulate Proposed Laws to Prevent Delay and Unnecessary Cost in Litigation.

The President:

These resolutions cannot be considered by the Association at this time and need not be read. They will be referred to the appropriate committees.

Charles A. Boston, of New York:

I wish to have one of my resolutions referred to the Executive Committee and the other to the Committee on Jurisprudence and Law Reform.

The President.

There was a committee appointed on Wednesday to formulate and present to the Association a minute on the Recall of Judges. The Chair calls upon Mr. Francis Rawle, the Chairman of that committee, for the report.

Francis Rawle, of Pennsylvania:

I will ask the Assistant Secretary to read the resolution of George Whitelock, of Maryland, under which we were appointed a committee.

The resolution was read as follows:

"Resolved, That Francis Rawle, of Pennsylvania; Henry St. George Tucker, of Virginia; Alton B. Parker, of New York; Jacob M. Dickinson, of Tennessee; Frederick W. Lehmann, of Missouri, and Charles F. Libby, of Maine, former Presidents of the American Bar Association, be and they are hereby appointed a committee to formulate and submit to the Association for appropriate action at the morning session on Thursday, August 31, 1911, a suitable minute or resolution upon the proposition to make applicable to judges the doctrine of recall."

Francis Rawle, of Pennsylvania:

Our report is as follows:

"To the American Bar Association:

"Your committee, having given consideration to the subject submitted to it by the resolution of August 29, recommend the adoption of the following:

"*Resolved*, That the application to judges of the principle of recall would create a judiciary whose decisions would not rest upon the law of the land, but would be influenced by transient public sentiment, and that the establishment of such a judiciary would be destructive of our system of government.

"We believe that the aim of the advocates of this change is directly the reverse of that of the fathers of the republic who sought to establish a government of laws and not of men, and that it would deprive the individual citizen of the protection now afforded to him by the enforcement of those great principles of liberty won by the people of England after a struggle of 500 years—principles which have been so faithfully enforced by the American judiciary from the foundation of our government as to justify the people of America in regarding the judiciary as the bulwark of their liberty.

"*Resolved*, That we most earnestly urge the members of the Bar in every state, through existing organizations or others to be formed, to cause to be presented to the people the reasons well understood by the legal profession why the recall should not be made applicable to judges;

"*And be it further Resolved*, That a committee representing each state and territory be appointed by the President, of which committee the President shall be the honorary Chairman, whose duty it shall be to take such steps as it may deem best to expose the fallacy of judicial recall."

This is signed by all the members of the committee.

Charles M. Woodruff, of Michigan:

I rise to move the adoption of that minute, and I want to utter a few thoughts for the members of this Association to consider. In the last analysis public sentiment becomes the law of the land. Public sentiment works for weal or for woe, depending upon whether or not it is based upon sound principles, logic and reason. A year ago at our meeting in Chattanooga we had a most eloquent and masterful defense of the constitutional principles upon which this government was founded, but so far as the public is concerned that splendid defense lies buried within the covers of our proceedings. This year we have had a brilliant plea for an independent judiciary as the essential of a constitutional and orderly government. Shall it also be allowed to repose unread and unheard of in the same graveyard? Now this minute and the committee's recommendation are a long step in the right direction.

We too often think of Alexander Hamilton as a lawyer. While Hamilton, Jefferson and others of the fathers were indeed sound and able lawyers, it was as publicists and statesmen that they secured the foundation of this republic, upon the firm and enduring truths of constitutional liberty. If the members of the American Bar Association, individually or collectively, are going to save the country from the dangers which now threaten it, they must do so, not as modest lawyers, but as energetic publicists.

The President.

I ask for a suspension of the proceedings and that the audience rise to receive the President of the United States.

President Taft was escorted to the platform and took his seat.

President Farrar:

There is a member of this Association who is bigger than its President in all dimensions, and I, therefore, resign my place in behalf of William Howard Taft, President of the United States.

The President of the United States:

Mr. President and Gentlemen of the American Bar Association: I have been trying to have a three weeks' vacation, but I find that the only vacation a President can have is a change from one kind of work to another. I had resolved to deny myself the pleasure of meeting you, but when my good friend Dickinson came all the way out to Beverly to ask me to come in, and told me what a gathering of lawyers there was here, I could not resist the temptation to come and be one of you for a while. I can say to lawyers what they won't misunderstand—other people may. It is a great pleasure for a lawyer and a judge to breathe the atmosphere that other lawyers and other judges breathe. There are a lot of things between us which go without saying. We start with our reasoning pretty far along because we have reasoned together up to conclusions upon which we all agree. Now all of us know that there is room for improvement in the law and in that part of the law with which we are concerned—the procedure of law by which justice is to be administered. We all know that, because we have found it to be the case, and, as we know it better than most people, upon us falls the burden of initiating reforms in that regard.

It has been an intense pleasure to me to use what some reformers in other directions have told me was a pulpit, and the best pulpit in the country, to wit, the Presidency, to urge law reform and to invite the attention of the Supreme Court to the very great power entrusted to it by Congress in the statute of doing what they choose in the matter of reforming at least half of the procedure in the federal courts, i. e., the equity rules; and I am delighted to know that the Chief Justice and his associates have taken this work in hand and have invited the assistance of committees of the Bar from the nine circuits and that they are to meet in Washington and bring the result of their deliberations to the assistance of the court. When that is done and a simple form of procedure is hammered out with the assistance of the experience of the English courts, where Mr. Justice Lurton now is studying their procedure, I am sure a great

step in the direction of practical reform will have been accomplished. There are reforms for objects that never will be seen on land or sea until the millennium. Then there are reforms that are in the direction of practical progress, and that is what law reform is.

The temptation, in running over the list of papers which have been read before you, is, for a man occupying a position of judicial irresponsibility to express his opinion on each of the subjects which has attracted his attention and consideration. I see you have had some discussion as to the federal judicial salaries. Of course, as I once was a federal judge, I am in favor of increasing those salaries whenever opportunity arises. The judicial position is so high that there is something due to its dignity in the amount of compensation to be attached to it. Then there is something also—and that is a real practical consideration—in having salaries high enough to attract the best men of the Bar, no matter what they are earning. But there are practical considerations in the securing of this advance of salary that we all must recognize and especially those who have had any experience in legislation in Washington. There are a great many district judges and there are a great many more district judges than there are circuit judges, and I have discovered that the movement toward the increase in the district judges' salary was a little stronger than that in the movement toward the increase in the circuit judges' salary. I think now that the Circuit Court judges are not paid as much as they ought to be in comparison with what the district judges receive. An ideal system is difficult. The cost of living is very different the country over. One who lives in a large metropolis has to pay more for his living than one living in a small town. And whether we ought to return to the old system by which different salaries were paid in different states is a question of much doubt. For myself, I think it would be better if we could fix the salaries in the American Bar Association, but as we cannot do that I am inclined to think that the return to the old system might be full of danger. Of course the salaries of the Supreme Court judges ought to be increased. We have

gotten them up now to fifteen thousand dollars, or something like that. We ought to get them up to twenty-five thousand dollars. A court which exercises such great responsibility and calls for such ability and learning, ought to have its members amply paid, so that they need not be dependent on lecturing in law schools and doing other things for the purpose of eking out a salary that only enables them to live.

I observed that you have discussed the subject of Patent Appeals. We have created courts in Washington recently—two federal courts—and there is some danger that one of them at least may not have enough to do. One is the Court of Commerce, and the other is the Court of Customs Appeals. It is essential, I believe, in the proper administration of the customs laws that we should have a court of final jurisdiction that is expert, or contains experts by reason of practice in respect to the tariff. I do not like to say what John Sherman said—that the Supreme Court could not be trusted in a revenue tariff case, but I do mean to say that we are much more certain, under the present system, of securing a uniform administration of the revenue laws and the customs laws by a court constituted as is the present Court of Customs Appeals. But I doubt whether the Court of Customs Appeals is the court to which the question of patent appeals should be submitted. The Court of Commerce, however, is a court that might very well be used for that purpose. It is not a court of patent experts. I regret to differ with some of my associates at the Bar who are patent lawyers in thinking that that would be the best kind of a court. I think it is a great deal better to take a first-class lawyer and a first-class judge and make him a good patent expert than it is to take a patent expert and try to make him a first-class lawyer and a good judge; I do not, however, mean to detract from that atmosphere of mystery, or question that assumption of peculiar knowledge and experience with which some patent practitioners are anxious to impress the public mind. I think you will find that it is the judgment of the patent lawyers themselves who will speak frankly, that there are a great many fine patent law judges on the Bench who never had a patent case until they came to the Bench, and I

think it is quite possible to take the Court of Commerce and by actual experience put those judges through such a test in two years as to make them first-class patent judges. One of the troubles about patent law when you go on the Bench is that, because of your ignorance of it you hesitate to take it up. The work of preparing patent opinions at first is very burdensome, indeed, but after a while you rapidly acquire all the law there is peculiar in patent cases, and if you have any taste for fine discriminations and fine points and mechanics, patent cases are as delightful cases to consider and decide as any. Therefore I hope the Commerce Court will be used as the Court of Patent Appeals. The use of the Supreme Court for that purpose, I think, has proven to be a failure. The Circuit Courts of Appeals throughout the country have differed with respect to patent questions, and then we have the anomalous situation where a patent is valid in one circuit and is not valid in another. There ought to be some court in which these questions shall be finally decided, and as the Court of Commerce is a court of five circuit judges by law it would seem to be a good court into which to take such questions, especially as the judges are likely to have ample time to consider all the appeals to be presented.

And now, gentlemen, there is another thought that this meeting suggests, and that is of heartfelt gratitude to the men who in 1787 and 1789—marvelous men—made the Constitution of the United States. In these days when we are all in favor of progress, it is of the highest benefit to the community that we have an instrument made in those days, sufficiently elastic to comprehend all the needed progress and sufficiently restrictive to keep out wild theories that if they were tried would inflict injury on the community and would prove to be failures in the end, and I do thank God that we had John Marshall and his associates when the case of *Marbury vs. Madison* came up to decide that the courts are the ultimate tribunals to make the law of the legislature square with the Constitution.

The Supreme Court is especially appointed to decide, as Mr. Justice Brewer said in one case, all justiciable questions arising between sovereign states. There comes from the successful oper-

ation of that system the suggestion that we ought to apply it and carry it through as far as we may, to the settlement of controversies between nations. It is coming slowly, but I believe it is coming.

We have negotiated two treaties, one with France and one with England, and we have constituted two tribunals: first, a tribunal of arbitration with power simply to decide justiciable questions arising between the parties, and they are defined to be all questions requiring for their solution principles of law and equity. To the second tribunal, the Joint High Commission, consisting of three representatives from each of the two parties, is committed not only the negotiation and recommendation in an advisory capacity in respect of controversies arising, but also the power of final decision, by a vote of five to one, as to whether questions in respect to which the parties differ as to their justiciable character, are justiciable and come under the first section of the treaty. Now I bring this matter up here just for the purpose of making my appeal to lawyers. The majority of the Committee on Foreign Relations in the Senate has said that to enter into an agreement of that sort by the Senate is for the Senate to delegate some powers that were conferred upon it by the Constitution. There were not in this regard any more powers conferred by the Constitution upon the Senate than there were upon the Executive. I think that is pretty plain, because the Executive has to initiate, and the Senate has to agree to the treaties before they can go into force. Now, my proposition is this: That if the Senate has power to ratify an agreement which shall bind it and the government—or rather which shall bind the government and therefore bind it—to consent to the adjudication of any class of questions arising in the future by a Board of Arbitration, then it necessarily follows that it has the right to consent to this treaty. For the reason that the question arising before this commission is—what? It is the question of the construction of the first section of the treaty, and the class of questions most likely to arise in arbitration cases is that of the construction of treaties. Therefore, all the Senate agrees to do is to abide by the judgment of this Joint High Commission as to what the construction

of that clause shall be in the future when the occasion arises. In other words, it is only agreeing to do what it has already agreed to do in dozens of treaties, namely, to abide the arbitration of a tribunal as to certain classes of questions that arise in the future. They have done that. Therefore they have assumed the power to bind themselves to abide the judgment as to certain classes of questions in the future, and this is only one of a class, to wit, one of a class of construction of the treaties.

I am most anxious that that feature of the treaty should be allowed to remain in, and I am anxious because I want to make this treaty mean something, I want it to have a binding effect—to accomplish something. You know they say the Indians when they are sick don't like any medicine except something that bites—something that is bad to take. I do not think we shall really get ahead with this arbitration business unless we are willing to assume an obligation to execute a judgment that may bite and may be bad for us to take. If we are going to take the position that we will wait until the question arises and then conclude because we do not think we can win in the arbitration case that it is not a justiciable question, then we have written our promise in water and we have made agreements that will dissolve under the test of experience. The result will follow which may be anticipated, that instead of promoting the cause of arbitration we shall have interfered with it, obstructed it, and made it a laughing stock for nations.

My friends, I could not help getting onto my hobby, but it is sufficiently related to the question of law, it is sufficiently related by analogy to the high, and useful and sacred position that the Supreme Court occupies with reference to the states, to justify a reference to it. I thank you sincerely for giving me an opportunity to come before you and talk to you in this informal way. I congratulate you upon the prosperity and the force and the power of the American Bar Association as shown by this great meeting, and I hope you will continue to earn the gratitude of the public by the disinterested work in the cause of law reform in which you are engaged.

(President Taft then left the hall, after which the regular proceedings of the Association were resumed.)

Oscar A. Trippet, of California:

At the instance of California members in attendance I second the motion to adopt the resolution that was read on the recall of judges and which I understand to be still pending.

J. Aspinwall Hodge, of New York:

I propose to vote against this resolution—not because I am in favor of the recall of judges; I am as much opposed to it as any member of the committee, but I am entirely out of sympathy with the resolution as proposed. It does not go to the kernel of the matter. Why is the recall of judges demanded by anybody? The answer is because our courts are assuming legislative functions. If they are legislators, then the recall might be advisable or at least logical, but they are not legislators, and, therefore, there should be no recall. There should be long terms, and not short terms for judges, because they are not legislators. But when they assume the functions of legislators, then there arises a very serious question, and one, which it seems to me is worthy of consideration.

I also think it is a mistake to impugn the motives of those who advocate the recall. It is at least impolitic to accuse those whom you seek to convince. They may be (I believe they are) sincere and patriotic; they are entitled to that assumption.

Nor am I in favor of the remedy proposed by the committee. The proper and efficient remedy is to appeal, not to lawyers and to the various Bar Associations of the country, but to the Bench. The Bench should save itself from having the principle of the recall applied to it, instead of calling upon the Bar to save it.

If you say that this is an attack upon the judiciary, I only answer that I do not attack the judiciary except as they have been attacked by their own members. I refer to the opinions of MR. JUSTICE HARLAN, to the opinions of JUDGE O'BRIEN in the New York Court of Appeals, and those of JUDGE SEYMOUR D. THOMPSON and to many others. If there is any truth in Justice Harlan's opinion in the Standard Oil and Tobacco cases, then there is

truth in the statement that the demand on the part of some men for the recall of judges is justified by the increasing legislative functions assumed by the judges. If the exercise of these functions increases in the next decade, as it has in the last, it may result in initiating the recall.

I am also opposed to such a radical and intemperate statement as is contained in the resolution, to the effect that our government will crumble and fall if the principle of the recall is applied to judges. I do not believe any such thing. I believe this government is stronger than that, and I do not believe that the American Bar Association should sign its name to, or pass such a resolution, which is as pessimistic as anything that the most radical men are now enunciating. Will our government crumble because we have a constitution, here or there, which allows, in exceptional cases, the recall of judges? Surely, we can stand worse calamities than that.

Therefore, while I am just as much opposed to the recall of judges as any one and for all the reasons that Alexander Hamilton stated in *The Federalist*, I am opposed to this resolution and shall vote against it even if mine is the only negative vote.

Charles C. Tucker, of District of Columbia:

The wording of the resolution applies to members of the Bar in the various states and territories, but is silent with respect to members of the Bar in the District of Columbia. To avoid any uncertainty when the appointment of that committee is made I desire to suggest, and now to move if necessary, that the resolution be modified or changed by the insertion of the words "and the District of Columbia."

Alton B. Parker, of New York:

There is no objection to inserting those words if it will make the resolution any more definite and certain.

The President.

I call the gentleman's attention to Article XI of the By-laws of this Association which says:

"The word state whenever used in this Constitution shall be deemed to be equivalent to state, territory, the District of

Columbia, and the insular and other possession of the United States."

Charles C. Tucker, of the District of Columbia:

But we are not dealing with the Constitution of the Association. As I understand it we are dealing with a resolution providing for the appointment of a committee.

The President.

The Chair will take care of the District of Columbia.

Charles C. Tucker, of District of Columbia:

Then my purpose in mentioning the matter will have been accomplished.

A rising vote was called for and the resolution was adopted.

Joseph R. Edson, of the District of Columbia:

I believe that the members of this Association have to wait nearly a year before they receive the printed proceedings of the meetings. I move that the Executive Committee be instructed, first, to have 5000 copies of President Farrar's address printed; and, secondly, that a copy of the address be sent to each representative, each senator, and to the Governor of each state in the union.

In support of my motion I mention that there probably has been no time within the life of the Association when any subject has been before the legislative, the executive and the judicial departments of the government that has received more thought than the subject discussed in Mr. Farrar's address.

Alton B. Parker, of New York:

I second the motion.

Wm. A. Ketcham, of Indiana:

I would amend it by including all of the addresses delivered before the Association at this meeting.

Merrill Moores, of Indiana:

I second the motion.

Wm. A. Ketcham, of Indiana :

I do not wish to be considered as doing anything except to add words of eulogy for the magnificent address of the President of this Association to which we all listened with so much attention and admiration; but words of eulogy on my part are not needed. There was also an address by a former Justice of the Supreme Court of the United States, which was very instructive and illuminating, and it would seem to me that this Association and the people of the country would be aided by having that also circulated. Then there was a most eloquent dissenting opinion delivered last night, which, taken in connection with the dissenting opinion of Mr. Justice Harlan, but not at all along the same lines, I think the Association could read with profit, although we may not all agree with all of its conclusions. While we are circulating the information contained in the address of the President, I would personally like to have this additional information circulated, and would be glad to see a provision made for the publication of those addresses as well as that of the President.

Ernest T. Florance, of Louisiana :

I move as a substitute that this whole matter be referred to the Executive Committee for whatever action they deem proper at their first meeting.

The President.

Mr. Florance's motion is really a substitute.

Arthur Steuart, of Maryland :

We should be careful not to make a mistake in voting on Mr. Florance's substitute. If we vote for Mr. Florance's substitute it practically lays Mr. Edson's motion on the table. I hope that Mr. Florance's substitute will not carry.

Ernest T. Florance, of Louisiana :

My substitute is that the Executive Committee shall at its first meeting take up this matter and consider it.

Joseph R. Edson, of District of Columbia :

It will not involve any additional expense for printing, because the addresses can be held in type for insertion in the regular proceedings of the Association.

The President.

The question is on the substitute offered by the gentleman from Louisiana.

The substitute of Ernest T. Florance was carried.

Wm. U. Hensel, of Pennsylvania :

At the suggestion of many members of the Association, and I am sure in conformity with the sense of all, I offer and move the adoption of this resolution :

“ Resolved, That the members recognize and desire to express their appreciation of the hospitality they individually and as a body have received from the people of the city of Boston ; from the State Bar Association of Massachusetts, whose entertainment preceded our meeting and has continued with us throughout ; to the Massachusetts Institute of Technology, which placed its buildings at our service ; to the President and the other officers of Harvard University for the courtesies extended to the members of this Association ; to the President of the United States, temporarily sojourning in this commonwealth, for coming before the Association and addressing us, and to all the good people of Boston whose good cheer and sunshine daily penetrated lowering skies, our thanks are heartily tendered.” (The reference to sunshine, in view of the continuously rainy weather, was greeted with good-natured laughter.)

Henry D. Estabrook, of New York :

Some one once said that you can always tell a Boston man, but you can't tell him much. I think after this meeting every member of this Association is prepared to endorse that sentiment. The Athens of America has shown that she possesses the cordiality of the South, and the administrative genius of the North ; oriental in her politeness and occidental in her informality, she has boxed the compass of hospitality, and I heartily second the resolution that has been placed before the Association.

The resolution was unanimously adopted by a rising vote.

The President.

The Chair is requested by the Entertainment Committee to announce that on account of the absence of sunshine in Boston— notwithstanding Boston's hearty hospitality—the automobile trip scheduled for this afternoon is indefinitely postponed.

The next and last item of business is the election of officers. There was a report made by the General Council nominating officers of the Association for the ensuing year, and a motion to confirm that report was made but was postponed until this hour. The question will now be put. It has been moved and seconded that the report of the General Council nominating officers of the Association for the ensuing year be received and adopted.

The officers nominated by the General Council were then elected.

William P. Bynum, of North Carolina:

I move that the Chair appoint a committee of three to escort the newly elected President to the platform and present him to the Association.

Theodore Sutro, of New York:

I second the motion.

The motion was carried and the President appointed as such committee Wm. P. Bynum, of North Carolina, Theodore Sutro, of New York, and William A. Ketcham, of Indiana.

The President:

While the committee is engaged on its mission I will announce that the Institute of Criminology, which begins its meetings at 2.30 P. M. today in this hall, cordially invites all the members of this Association to attend its session.

The Vice-Presidents and members of the Local Councils in the various states have been elected and their names handed to the Secretary. They will be included in the printed proceedings, and the names will not be read at this time.

John Lowell, of Massachusetts:

I rise for the purpose of moving that this Association express a vote of thanks to our outgoing President, not only for his

address delivered on the opening day of this meeting, but for the very earnest and interesting manner in which he has presided over our deliberations.

Alton B. Parker, of New York:

I heartily second the motion that has been made, and I ask the Association to ratify it. All in favor of the motion will manifest it by rising.

James O. Crosby, of Iowa:

A point of order, sir. Much as we would all like to pass a vote of thanks to the President, we are not permitted to do so. It is one of the standing rules of this Association that a vote of thanks cannot be tendered by the body to any member of the Association.

The President:

The point of order is well taken, and the resolution cannot be placed before the Association.

The President:

I have the pleasure to present to the Association my esteemed friend, Stephen S. Gregory, of Illinois, my successor.

President-elect Gregory:

Members of the Association: I can only say that I thank you most sincerely for this expression of your friendship and confidence. I am well aware that this great distinction might have been far more worthily bestowed. The office to which you have elected me is one of which any American lawyer may well be proud; and, in so far as lies within my power, I shall endeavor to justify your choice by my best efforts to promote the success of this great organization.

The Association then adjourned *sine die*.

GEORGE WHITELOCK,

Secretary.

SECRETARY'S REPORT

BOSTON, MASS., August 28, 1911.

To the American Bar Association:

The report of the proceedings of our last meeting held at Chattanooga, Tenn., in August, 1910, has been printed and distributed to all the members of the Association, to all State Bar Associations and legal journals, and to a large number of libraries in the United States and abroad, which are on our mailing list.

There were 3690 members of the Association at the close of the last meeting. A special effort was made during the past year to expand the membership of the Association. The Vice-Presidents and members of the Local Councils in the various states were each requested to submit to the Secretary lists of the most desirable members of the Bar of their respective states who would be eligible for membership in the Association. The lists as received were compared and compiled and again submitted to the respective Local Councils for joint recommendation. Invitations on behalf of the Executive Committee were thereafter sent by the Secretary to the persons thus recommended. The result has been a most gratifying increase in the membership of the Association. 1118 new members were elected by the Executive Committee in the interval between the last meeting and the present one.

The membership of the Association now includes representatives from all the states, and of the District of Columbia, the territory of Alaska, and the Insular Possessions of Hawaii, Porto Rico and the Philippine Islands.

Invitations were sent to all the State Bar Associations to send three delegates to this meeting. There are 47 State Bar Associations. There are also the Bar Association of the District of Columbia, the Bar Association of the Hawaiian Islands, and about 506 local Bar Associations.

The reports for this year of the Committees on Jurisprudence and Law Reform, Judicial Administration and Remedial Procedure, Commercial Law, Law Reporting and Digesting, Patent, Trade-Mark and Copyright Law, Insurance Law, Uniform State Laws, the Committee to Suggest Remedies and Formulate Proposed Laws to Prevent Delay and Unnecessary Cost in Litigation, the Committee to Present to Congress Bills Relating to Courts of Admiralty, the Committee on Compensation for Industrial Accidents and their Prevention, and the report of the Comparative Law Bureau, have all been printed and distributed to the members by mail fifteen days before this meeting.

The Secretary's office has continued to supply upon request copies of the Code of Professional Ethics adopted by this Association.

Notices were duly sent to all standing and special committees; requesting their attention to such matters as were referred to them.

A register of those in attendance is kept in parlor "O" of the Hotel Vendome. During the sessions of the Association, this register will be kept at the place of meeting. Every member and delegate is requested to sign it as early as convenient. A list of those present will be printed for distribution at the meetings, and will also be included in the report of the proceedings. Copies of the Constitution and By-laws, lists of officers, and members of committees, copies of committee reports, and forms of nominations can be had in parlor "O" of the Hotel Vendome, or in the rooms adjoining reserved for use of the Association.

The Secretary endeavors to keep the street address of each member, and those changing their address are requested to notify him.

Respectfully submitted,

GEORGE WHITELOCK,

Secretary.

TREASURER'S REPORT

1910-1911.

Dr.

To cash on hand at date of last report.....	\$6,542.51	
To cash received subscriptions to annual dinner at Chattanooga, Tenn., Aug., 1910.....	516.00	
To cash received from sale of annual reports of Association by Secretary Whitelock dur- ing the year 1910-1911.....	134.85	
To cash received from express company for re- ports lost in shipment.....	4.66	
To cash received for stamped envelopes re- deemed by Secretary Whitelock.....	5.98	
To cash received dues of members for 1908 (1).	\$5.00	
To cash received dues of members for 1909 (23)	115.00	
To cash received dues of members for 1910 (165).	825.00	
To cash received dues of members for 1911 (3146)	15,730.00	
To cash received dues of members for 1912 (770).	3,850.00	
	<hr/>	20,525.00
To cash received interest on funds deposited Albany Trust Co., special interest account.		30.00
		<hr/>
Total Receipts		\$27,759.00

Credit by Disbursements as Follows:

1910.

Aug. 31. By cash paid Robert S. Taylor, Fort Wayne, Ind., to refund his dis- bursements on behalf of the Com- mittee on Patent, Trade-Mark and Copyright Law from October 1, 1908, to July 15, 1910.....	\$306.38	
Sept. 2. By cash paid Hotel Patten, Chatta- nooga, Tenn., for annual dinner.	602.05	
	<hr/>	
Carried forward	\$908.43	\$27,759.00

TREASURER'S REPORT.

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1910.	Brought forward	\$908.43	\$27,759.00
2.	By cash paid I. H. Oppenheim Co., Baltimore, Md., for wine used at annual dinner	321.75	
2.	By cash paid Purse Printing co., Chattanooga, for list of mem- bers in attendance at meeting, 3 editions, cards, etc.....	121.50	
3.	By cash paid Hotel Patten, Chatta- nooga, for hotel bill of Hon. Woodrow Wilson, Mr. Frank J. Curran and Mr. F. M. Field, of Canada, guests of the Associa- tion	57.37	
6.	By cash paid Hon. Woodrow Wilson, Princeton, N. J., to refund his disbursements for traveling ex- penses in attending meeting at Chattanooga	95.81	
8.	By cash paid John Hinkley, Balti- more, Md., to refund his dis- bursements for telegrams, ex- press and traveling expenses in attending meeting of Executive Committee	15.63	
8.	By cash paid Albert C. Ritchie, Bal- timore, Md., to refund his dis- bursements as Assistant Secre- tary for express, shipping re- ports, telegrams, printing forms and applications Aug. 26-Sept. 6.	54.42	
8.	By cash paid Howard Hamilton, Bal- timore, Md., to refund his dis- bursements in attending annual meeting, and disbursements for stationery and supplies, etc.....	82.70	
	Carried forward	\$1,675.61	\$27,759.00

AMERICAN BAR ASSOCIATION.

1910.	Brought forward	\$1,675.61	\$27,759.00
17.	By cash paid Albert C. Ritchie to refund his disbursements as Assistant Secretary for traveling expenses and hotel bill attending meeting	78.05	
17.	By cash paid Fort Orange Club, Albany, N. Y., for cigars used at annual meeting and dinner.....	94.90	
17.	By cash paid The Lord Baltimore Press, Baltimore, Md., for printing committee reports, President's address, stamps, etc.....	861.54	
17.	By cash paid Charles M. Hepburn, Bloomington, Ind., to refund his disbursements in behalf of the Section of Legal Education from January 13-August 27	49.77	
23.	By cash paid M. S. Overholzer, Philadelphia, Pa., stenographer's bill for services rendered the Committee on Standard Rules, Section Legal Education	35.00	
23.	By cash paid Purse Printing Co., Chattanooga, Tenn., for cards for use of Section of Legal Education at annual meeting.....	7.50	
Oct. 3.	By cash paid Everett Waddy Company, Richmond, Va., for 6500 Bulletins of the Comparative Law Bureau	1,000.00	
3.	By cash paid Charles A. Morrison, of New York, stenographer's bill for reporting annual meeting..	347.80	
	Carried forward	\$4,132.17	\$27,759.00

TREASURER'S REPORT.

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1910.	Brought forward	\$4,132.17	\$27,759.00
4.	By cash paid J. B. Lyon Co., Albany, N. Y., binding book of dues paid in the year 1909-1910.....	2.50	
4.	By cash paid The Argus Company, Albany, N. Y., for stamped envelopes, letter heads, ledger cards, etc.	28.00	
4.	By cash paid Boyce & Milwain, Albany, for trunk for sending records to annual meeting, Chattanooga	7.00	
5.	By cash paid the Addressograph Co., New York, for plates of new members	2.53	
10.	By cash paid Paul R. Albert, Chattanooga, rent of Albert Theater for annual address	75.00	
27.	By cash paid Ernest T. Florance, New Orleans, La., to refund his disbursements in attending meeting Committee on Commercial Law, May, 1910.....	78.00	
Nov. 7.	By cash paid The Lord Baltimore Press, Baltimore, Md., for printing annual address of Hon. Woodrow Wilson, postage, etc..	98.84	
7.	By cash paid The Lord Baltimore Press for printing 2000 copies report of Committee on Patent, Trade-Mark and Copyright Law.	30.00	
10.	By cash paid The Argus Company, Albany, for manila envelopes for distributing President Wilson's address, stamped envelopes, etc.	34.00	
	Carried forward	\$4,488.04	\$27,759 00

1910.	Brought forward	\$4,488.04	\$27,759.00
10.	By cash paid E. Moebius, Camden, N. J., for 4500 copies of President Libby's portrait for annual report	98.50	
Dec. 8.	By cash paid Argus Co., Albany, N. Y., for 3600 shipping labels for sending out annual report..	7.00	
8.	By cash paid Lord Baltimore Press for 200 copies Canons of Professional Ethics	8.50	
22.	By cash paid Everett P. Wheeler, New York, to refund his disbursements as Chairman of Committee to Suggest Remedies at its meeting December 17, 1910..	64.73	
24.	By cash paid Stephen H. Allen, Topeka, Kan., to refund his disbursements in attending meeting of Committee to Suggest Remedies	89.60	
24.	By cash paid William L. January, Detroit, Mich., to refund his disbursements in attending meeting of Committee to Suggest Remedies	62.20	
1911.			
Jan. 5.	By cash paid Lord Baltimore Press for printing 500 copies of authorities appended to Dr. King's paper	16.50	
5.	By cash paid Frank Irvine, Ithaca, N. Y., to refund his disbursements in attending meeting of Committee to Suggest Remedies.	21.95	
	Carried forward	\$4,857.02	\$27,759.00

TREASURER'S REPORT.

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1911.	Brought forward	\$4,857.02	\$27,759.00
5.	By cash paid Ralph W. Breckenridge, Omaha, Neb., to refund his disbursements in attending meeting of Executive Committee in Chicago, December 29-30.....	40.50	
5.	By cash paid John Hinkley, Baltimore, Md., to refund his disbursements in attending meeting of Executive Committee, Chicago, December 29-30	67.85	
5.	By cash paid Frederick E. Wadhams, Albany, N. Y., to refund his disbursements in attending meeting of Executive Committee at Chicago, December 29-30.....	69.78	
10.	By cash paid John S. Bridges & Co., Baltimore, Md., printing report of Committee on Federal Procedure and slips for same.....	191.50	
11.	By cash paid Chas. Henry Butler, Washington, D. C., to refund his disbursements in attending meeting of Executive Committee at Chicago, December 29-30.....	67.50	
25.	By cash paid George W. King Printing Co., Baltimore, Md., for printing letters, circulars and stamped envelopes	12.75	
25.	By cash paid Everett P. Wheeler, New York, to refund his disbursements as Chairman of Committee to Suggest Remedies....	18.96	
25.	By cash paid Samuel Scoville, Jr., Philadelphia, Pa., to refund his disbursements in attending meeting of Committee to Suggest Remedies at Washington, Dec. 17, 1910	9.45	
	Carried forward	\$5,335.31	\$27,759.00

AMERICAN BAR ASSOCIATION.

1911.	Brought forward	\$5,335.31	\$27,759.00
25.	By cash paid Samuel C. Eastman, Concord, N. H., to refund disbursements in attending meeting of Committee to Suggest Remedies, December 17, 1910....	46.85	
25.	By cash paid United States Express Co., Baltimore, Md., for shipments in December.....	13.65	
25.	By cash paid Arthur Steuart, Baltimore, Md., to refund his disbursements for postage in send-out report of Committee on Federal Procedure	80.00	
25.	By cash paid George Whitelock, Baltimore, Md., to refund his disbursements in attending meeting of Executive Committee at Chicago, December 29-30.....	79.28	
25.	By cash paid Charles F. Libby, Portland, Me., to refund his disbursements in attending meeting of Executive Committee at Chicago, December 29-30	93.15	
25.	By cash paid J. B. Lyon Co., Albany, N. Y., for two receipt books.....	15.00	
25.	By cash paid Argus Co., Albany, N. Y., for 5000 manila pamphlet envelopes for sending out report of Committee on Federal Procedure	21.00	
28.	By cash paid Argus Co., Albany, N. Y., for 500 two cent stamped envelopes	13.50	
	Carried forward	\$5,697.74	\$27,759.00

TREASURER'S REPORT.

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1911.	Brought forward	\$5,697.74	\$27,759.00
Feb. 1.	By cash paid American Express Co., Albany, for shipment addressed envelopes to Arthur Steuart Baltimore, Md., for sending out report of Committee on Federal Procedure	2.20	
	3. By cash paid Lynn Helm, Los Angeles, Cal., to refund his disbursements in attending meeting of Executive Committee at Chicago, December, 1910.....	225.00	
	25. By cash paid Argus Co., Albany, for 5000 two cent stamped envelopes with card for first notice of dues.	118.00	
	25. By cash paid Argus Co. for dues cards and return envelopes.....	25.00	
Mar. 7.	By cash paid E. J. Richardson & Sons, Baltimore, Md., insurance on reports of Association stored in Calvert Building.....	4.00	
	7. By cash paid Quayle & Sons, Albany, engravers, for stationery, etc...	29.45	
	7. By cash paid United States Express Co., Baltimore, Md., for shipment of Vol. 35 (1910) of reports and Secretary's shipments in January and February	1,274.09	
	16. By cash paid The Lord Baltimore Press, Baltimore, Md., for printing and binding Vol. 35 (1910) of annual reports	4,182.26	
	16. By cash paid the Lord Baltimore Press for printing copies of addresses, papers, etc.....	141.91	
	Carried forward	\$11,699.65	\$27,759.00

1911.	Brought forward	\$11,699.65	\$27,759.00
May 2.	By cash paid Argus Co., Albany, N. Y., for printing card on stamped envelopes, receipt books and 3700 postal cards for preliminary announcement of meeting	73.50	
5.	By cash paid United States Express Co. for shipments in February and March	3.31	
16.	By cash paid U. S. Express Co., Baltimore, shipments in April.....	3.65	
31.	By cash paid Charles Henry Butler, Washington, D. C., to refund his disbursements on behalf of the Committee on Compensation for Industrial Accidents	25.00	
31.	By cash paid William L. January, Detroit, Mich., to refund his expenses in attending meeting in New York, May 19, of Committee to Suggest Remedies	45.50	
31.	By cash paid Samuel Scoville, Jr., of Philadelphia, Pa., to refund his disbursements in attending meeting in New York, May 19, of Committee to Suggest Remedies.	4.00	
31.	By cash paid Frank Irvine, Ithaca, N. Y., to refund his disbursements in attending meeting of Committee to Suggest Remedies.	15.50	
31.	By cash paid The Lord Baltimore Press for reprinting 5000 copies Canons of Professional Ethics..	15.00	
	Carried forward	\$11,885.11	\$27,759.00

TREASURER'S REPORT.

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1911.	Brought forward	\$11,885.11	\$27,759.00
June 7.	By cash paid Argus Co., Albany, N. Y., for stamped envelopes and notice of dues.....	56.50	
	7. By cash paid John Hinkley, Baltimore, Md., to refund his disbursements in going to Boston to make arrangements for annual meeting	54.72	
	7. By cash paid George Whitelock, Secretary, to refund his disbursements in going to Boston to make arrangements for annual meeting	58.25	
	14. By cash paid Frederick E. Wadhams, Treasurer, to refund his disbursements in going to Boston to make arrangements for annual meeting, including expense of parlor for meeting of committee.	70.56	
	15. By cash paid U. S. Express Co., Baltimore, Md., for shipments in May	5.11	
	17. By cash paid Ernest T. Florance, New Orleans, La., to refund his disbursements in attending meeting of Committee on Commercial Law	66.50	
	22. By cash paid The Argus Co., Albany, for printing stamped envelopes and third notice of dues, and 4000 two cent stamped envelopes for sending out announcement of meeting at Boston.....	133.00	
July 6.	By cash paid Lord Baltimore Press, Baltimore, Md., for 5000 circular letters	31.50	
	Carried forward	\$12,361.25	\$27,759.00

1911.	Brought forward	\$12,361.25	\$27,759.00
6.	By cash paid Gibson & Perin Co., Cincinnati, O., printing for Committee on Commercial Law.....	13.75	
6.	By cash paid Amelia Herbsleb, Cincinnati, O., stenographer, for services rendered Committee on Commercial Law	13.50	
13.	By cash paid Everett P. Wheeler, New York, to refund his disbursements for Committee to Suggest Remedies	32.23	
15.	By cash paid Addressograph Co., New York, for plates of new members.	16.79	
15.	By cash paid John H. Voorhees, Sioux Falls, S. Dak., to refund his disbursements for Committee on Commercial Law	46.65	
18.	By cash paid Samuel C. Eastman, Concord, N. H., to refund his disbursements on behalf of the Committee to Suggest Remedies....	23.50	
18.	By cash paid Lord Baltimore Press for printing 3000 copies report of Committee on Patent, Trade-Mark and Copyright Law, Jan. 17, 1911	42.45	
15.	By cash paid George W. King Printing Co., Baltimore, Md., for printing post cards, etc., used in special increase in membership plan.	52.75	
24.	By cash paid U. S. Express Co., Baltimore, Md., for shipments in June	5.49	
	Carried forward	\$12,608.36	\$27,759.00

TREASURER'S REPORT.

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1911.	Brought forward	\$12,608.36	\$27,759.00
28.	By cash paid Addressograph Co., New York, for plates of new members.	1.43	
28.	By cash paid Argus Co., Albany, N. Y., for printing card on stamped envelopes, furnishing and printing card on 4000 Columbia clasp envelopes for program, committee reports, etc....	81.50	
29.	By cash paid Talcot H. Russell, New Haven, Conn., Treasurer of Commissioners on Uniform State Laws, amount appropriated for the use of the Commissioners...	600.00	
Aug. 2.	By cash paid Addressograph Company, New York, for plates of new members	1.14	
11.	By cash paid Charles M. Hepburn, Bloomington, Ind., to refund his disbursements for the Section of Legal Education.....	115.90	
12.	By cash paid The Lord Baltimore Press for postage and services in mailing programs, committee reports, etc., to members.....	182.00	
23.	By cash paid Henry Wade Rogers, New Haven, Conn., to refund his disbursements on behalf of Section of Legal Education.....	5.25	
23.	By cash paid Addressograph Company, New York, for plates and six-drawer cabinet	10.45	
24.	By cash paid Argus Company, Albany, N. Y., for stamped envelopes and miscellaneous printing	30.00	
	Carried forward	\$13,636.03	\$27,759.00

AMERICAN BAR ASSOCIATION.

1911.	Brought forward	\$13,636.03	\$27,759.00
	By cash paid George Whitelock, Baltimore, Md., Secretary, for salaries of assistants	2,000.00	
	By cash paid George Whitelock, Secretary, to refund his disbursements for telegrams, postage, stationery, supplies, printing, express, etc., during year 1910-1911.	179.89	
	By cash paid George Whitelock, Secretary, to refund his disbursements for printing, postage, clerk hire, etc., in connection with Special Increase of Membership campaign	416.81	
	By cash paid W. Thomas Kemp, Assistant Secretary, Baltimore, Md., to refund his disbursements for stationery, supplies, printing, postage, telegrams, cartage, etc..	129.95	
	By cash paid Calvert Building and Construction Co., Baltimore, Md., for rent of storage room for reports	158.35	
	By cash paid Frederick E. Wadhams, Albany, N. Y., Treasurer, to refund his disbursements for telegrams, telephone calls, supplies, stationery, traveling expenses of assistant, etc., during year 1910-1911	203.59	
	By cash paid Frederick E. Wadhams, Albany, N. Y., Treasurer, for salary of assistant.....	1,000.00	
	Total Disbursements	\$17,724.62	\$27,759.00

TREASURER'S REPORT.

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Summary.

Total receipts	\$27,759.00
Total disbursements	17,724.62
	<hr/>
Balance	\$10,034.38

Which balance consists of

Amount to credit of Treasurer	
in Albany Trust Co.....	\$4,980.37
Amount to credit of Treasurer	
in Albany Trust Co., special	
interest account	5,030.00
Cash on hand in office.....	24.01
	<hr/>
	\$10,034.38

Respectfully submitted,
FREDERICK E. WADHAMS,
Treasurer.

Boston, Mass., August 30, 1911.

We have examined the foregoing report, and checked it with
book accounts and vouchers, and find the report to be correct.

SELDEN P. SPENCER,
THOS. W. SHELTON,
Auditing Committee.

REPORT

OF THE

EXECUTIVE COMMITTEE

Boston, Mass., August 28, 1911.

The Executive Committee respectfully reports that under the last clause of Article IV of the Constitution, providing for the election of members by the Executive Committee between meetings when nominated by a majority of the Vice-President and Local Council, 1118 new members were elected. The lists are appended to this report.

The Committee further reports that in accordance with By-law XII, appropriations were made for the use of committees for the year 1910-1911, not exceeding the following amounts:

\$1000 to Comparative Law Bureau.

\$600 to Commissioners on Uniform State Laws.

\$650 to Committee to Suggest Remedies and Formulate Proposed Laws to Prevent Delay and Unnecessary Cost in Litigation.

\$400 to Committee on Patent, Trade-Mark and Copyright Law.

\$250 to Committee on Commercial Law.

\$200 to Committee on Insurance Law.

\$250 to Committee on Compensation for Industrial Accidents and their Prevention.

\$500 to Section of Legal Education.

Total appropriations, \$4150.

\$250 to Committee on Legal Education if applied for.

It was resolved by the Executive Committee that it is inexpedient at the present time that the Association should take any steps looking to the framing of Canons of Ethics for the judiciary,

nor for the appointment of a committee to frame such Canons.

It was resolved that it is inexpedient at this time to apply to Congress for incorporation of the Association.

It was resolved that it is inexpedient to change the form of publications of the Association, or the method of distribution of the same.

It was decided by the Executive Committee that it is not within the functions of the Association to consider the sale and distribution of advance copies of laws enacted by Congress.

The following resolution was adopted by the Executive Committee in regard to debates on Uniform State Laws:

Resolved, That the following rule, governing debate relating to uniform laws reported from the Conference of Commissioners on Uniform State Laws, be adopted:

"Whenever any member of the American Bar Association has any objection to or criticism upon the sections of any one of the uniform laws hereafter approved by the Conference of Commissioners on Uniform State Laws and reported by it, he shall be required to submit his objections to the Conference of Commissioners in writing and no resolution relating to such objections shall be considered by the American Bar Association, unless this course has been taken and the suggestion or criticism has been overruled by the Conference of Commissioners on Uniform State Laws."

It was resolved by the committee that the charge for dinner tickets be fixed at \$4.00 for each plate, the balance of the expense of the annual dinner to be paid for by the Association.

In compliance with a resolution adopted by the Association at its Chattanooga meeting, the Executive Committee have caused to be printed 4000 copies of the Annual Address delivered in 1910 by Hon. Woodrow Wilson; and the Secretary has distributed copies among the members of the Association.

In accordance with a resolution heretofore adopted by the Executive Committee, the President of the Association appointed the Treasurer and the Secretary as a sub-committee to frame a circular to be printed and sent out by and on behalf of the Executive Committee to the Vice-Presidents and Local Councils

REPORT

OF THE

EXECUTIVE COMMITTEE

Boston, Mass., August 28, 1911.

The Executive Committee respectfully reports that under the last clause of Article IV of the Constitution, providing for the election of members by the Executive Committee between meetings when nominated by a majority of the Vice-President Local Council, 1118 new members were elected. The list is appended to this report.

The Committee further reports that in accordance with law XII, appropriations were made for the use of the year 1910-1911, not exceeding the following

\$1000 to Comparative Law Bureau.

\$600 to Commissioners on Uniform St.

\$650 to Committee to Suggest Re-

Proposed Laws to Prevent Delay
in Litigation.

\$400 to Committee on Patent.

Law.

\$250 to Committee on Com-

mittee on In-

85

ifty

0.

in the different states on the expansion of the membership of the Association. The sub-committee so appointed have prepared and distributed such circular, and the Secretary has issued invitations on behalf of the Executive Committee to the members of the Bar recommended by the Vice-Presidents and Local Councils in the various states. The result has been an unusual increase in the membership of the Association, as is reported by the Secretary, through whose office this work has been accomplished.

It was resolved that the following amendment to the By-laws be recommended to the Association for adoption:

AMENDMENT TO ARTICLE XIII OF THE BY-LAWS.

After the word "pay" in the second line of Article XIII of the By-laws as it appears on page 136 of Vol. 35 of the reports of the American Bar Association, 1910, strike out all that follows to and including the word "default" at the end of the first paragraph, and insert the following:

"his yearly dues on or before June 1 following the annual meeting, it shall be the duty of the Treasurer to serve upon him by mail a copy of this By-law and notice that unless the dues are paid within one month thereafter, the default will be reported to the Executive Committee, which may, without further notice, cause the name of such member to be stricken from the rolls for non-payment of dues, and his membership and all rights in respect thereto will thereupon cease."

It was resolved that the Executive Committee recommend to the Association that the future programs of the Association contain an appropriate notice concerning the meetings of the American Institute of Criminal Law and Criminology, provided such meetings be held at the same place and at such times as not to conflict with other meetings of the Association or its sections.

It was further resolved that the Executive Committee recommend to the Association that the Publication Committee and the Secretary be authorized to include in future proceedings of the Association, beginning 1911, a summary of and index to the publications and proceedings of the American Institute of Crim-

inal Law and Criminology not to exceed in any one year fifty pages.

Respectfully submitted,

EDGAR H. FARRAR,
GEORGE WHITELOCK,
FRED. E. WADHAMS,
CHARLES F. LIBBY,
W. O. HART,
LYNN HELM,
JOHN HINKLEY,
CHARLES HENRY BUTLER,
Executive Committee.

MEMBERS AND DELEGATES REGISTERED

AT THE

THIRTY-FOURTH ANNUAL MEETING

1911.

PRESIDENT.

Farrar, Edgar H., New Orleans, La.

SECRETARY.

Whitelock, George, Baltimore, Md.

TREASURER.

Wadhams, Frederick E., Albany, N. Y.

ASSISTANT SECRETARY.

Kemp, W. Thomas, Baltimore, Md.

EXECUTIVE COMMITTEE.

Libby, Charles F., Portland, Me.
Hart, William O., New Orleans, La.
Helm, Lynn, Los Angeles, Cal.
Hinkley, John, Baltimore, Md.
Butler, Charles Henry, New York, N. Y.

EX-PRESIDENTS.

Rawle, Francis, Philadelphia, Pa.
Tucker, H. St. George, Lexington, Va.
Parker, Alton B., New York, N. Y.
Dickinson, Jacob M., Nashville, Tenn.
Lehmann, Frederick W., St. Louis, Mo.
Libby, Charles F., Portland, Me.

GENERAL COUNCIL.

O'Neal, Emmett, Montgomery, Ala.
Ellinwood, Everett E., Bisbee, Ariz.
Fletcher, John, Little Rock, Ark.
Trippet, Oscar A., Los Angeles, Cal.
Manly, George C., Denver, Col.
Arvine, E. P., New Haven, Conn.
Fenning, F. A., Washington, D. C.
Simonton, F. M., Tampa, Fla.
Hammond, T. A., Atlanta, Ga.

Page, Geo. T., Peoria, Ill.

Ketcham, Wm. A., Indianapolis, Ind.

Carr, Edw. M., Manchester, Iowa.

Allen, Stephen H., Topeka, Kan.

Trabue, Edmund F., Louisville, Ky.

Florance, Ernest T., New Orleans, La.

Emery, L. A., Ellsworth, Me.

Steuart, Arthur, Baltimore, Md.

Smith, Fitz-Henry, Jr., Boston, Mass.

January, William L., Detroit, Mich.

Hallam, Oscar, St. Paul, Minn.

Allen, John M., Tupelo, Miss.

Reynolds, Thomas H., Kansas City, Mo.

McHugh, Wm. D., Brunswick, Neb.

Eastman, Samuel C., Concord, N. H.

Keasby, Edw. Q., Newark, N. J.

Reid, Wm. C., Roswell, N. M.

Estabrook, Henry D., New York, N. Y.

Bynum, William P., Greensboro, N. C.

Bruce, Andrew A., Grand Forks, N. D.

James, Francis B., Cincinnati, Ohio.

Keaton, J. R., Oklahoma City, Okla.

Hensel, W. U., Lancaster, Penn.

Eaton, Amasa M., Providence, R. I.

Mordecai, T. M., Charleston, S. C.

Voorhees, John H., Sioux Falls, S. D.

Biggs, Albert W., Memphis, Tenn.

Saner, R. E. L., Dallas, Texas.

Batchelder, Wallace, Bethel, Vt.

Griffin, S., Bedford City, Va.

Shepard, Chas. E., Seattle, Wash.

Strother, D. J. F., Welch, W. Va.

Nash, Lyman J., Manitowoc, Wis.

CANADA.

Beullac, Pierre, Montreal.

Brown, W. W., Parsons.

Clark, J. M., Toronto.

ALABAMA.

Cooper, Lawrence, Huntsville.
 De Graffenried, Edward, Greensboro.
 Gunter, Gaston, Montgomery.
 Harrison, George P., Opelika.
 Hundley, Oscar R., Birmingham.
 O'Neal, Emmett, Montgomery.
 Troy, Alexander, Montgomery.
 White, Frank S., Birmingham.

ARIZONA.

Ellinwood, Everett E., Bisbee, Ariz.
 Kent, Edw., Phoenix.
 Seabury, W. M., Phoenix.

ARKANSAS.

Bradshaw, De E., Little Rock.
 Cockrill, Ashley, Little Rock.
 Fletcher, John, Little Rock.
 Hon, Daniel, Ft. Smith.
 Martin, W. H., Hot Springs.
 Pace, Frank, Little Rock.
 Rose, George B., Little Rock.
 Stayton, Joseph M., Newport.

CALIFORNIA.

Helm, Lynn, Los Angeles.
 Huberich, C. H., San Francisco.
 Monroe, Charles, Los Angeles.
 Trippat, Oscar A., Los Angeles.

COLORADO.

Cuthbert, Lucius M., Denver.
 Dawson, Clyde C., Denver.
 Herrington, Cass E., Denver.
 Manly, George C., Denver.
 Vaile, Joel F., Denver.

CONNECTICUT.

Alling, Arnon A., New Haven.
 Arvine, E. P., New Haven.
 Beers, George E., New Haven.
 Case, Birdsey E., Hartford.
 Halliday, Wilbur T., Hartford.
 Harriman, Edward A., New Haven.
 Loomis, Seymour C., New Haven.
 Rogers, Henry W., New Haven.
 Russell, Talcott H., New Haven.
 Seymour, Morris W., Bridgeport.
 Vance, William R., New Haven.
 Wright, William A., New Haven.

DELAWARE.

Laffey, J. P., Wilmington.

DISTRICT OF COLUMBIA.

Balderston, Walter C., Washington.
 Bradford, Ernest W., Washington.
 Brown, Chapin, Washington.
 Browne, Aldis B., Washington.
 Church, Jos. B., Washington.
 Church, Melville, Washington.
 DeLacy, Wm. H., Washington.
 Dodge, Wm. W., Washington.
 Doelittle, Henry P., Washington.
 Dowell, Arthur E., Washington.
 Dowell, Julian C., Washington.
 Edson, Joseph R., Washington.
 Fenning, Frederick A., Washington.
 Fisher, Robert J., Washington.
 Glassie, Henry Haywood, Washington.
 Gregory, Charles Noble, Washington.
 Harlow, Leo P., Washington.
 Hogan, Frank J., Washington.
 Howry, Charles B., Washington.
 Kenyon, J. Miller, Washington.
 McGill, J. Nota, Washington.
 Penfield, Walter S., Washington.
 Rogers, Walter F., Washington.
 Snow, A. H., Washington.
 Taylor, Hannis, Washington.
 Thom, Alfred P., Washington.
 Thom, Corcoran, Washington.
 Toomey, James O., Washington.
 Tucker, Charles C., Washington.

FLORIDA.

Blount, W. A., Pensacola.
 Cockrell, A. W., Jr., Jacksonville.
 Davis, Robert E., Gainesville.
 Hunter, William, Tampa.
 Locke, Jas. W.
 Long, A. V., Starke.
 Simonton, F. M., Tampa.

GEORGIA.

Adams, Samuel B., Savannah.
 Goetchius, Henry R., Columbus.
 Hammond, T. A., Atlanta.
 Hawes, T. S., Bainbridge.
 Kontz, Ernest C., Atlanta.
 Meldrim, Peter W., Savannah.
 Merrill, J. H., Thomasville.
 Owens, Geo. W., Savannah.
 Smith, Alex W., Sr., Atlanta.
 Wimbish, William A., Atlanta.

ILLINOIS.

Bancroft, Edgar A., Chicago.
 Brown, Edw. O., Chicago.

Brown, Paul, Chicago.
 Burry, William, Chicago.
 Cook, Welles M., Chicago.
 Costigan, George P., Jr., Chicago.
 Cowen, Israel, Chicago.
 Curran, W. R., Pekin.
 Dillard, F. C., Chicago.
 Elder, Charles B., Chicago.
 Freund, Ernst, Chicago.
 Furness, William E., Chicago.
 Gregory, S. S., Chicago.
 Lee, Blewett, Chicago.
 Lewis, James H., Chicago.
 MacChesney, Nathan William, Chicago.
 Mack, Julian W., Chicago.
 Manierre, George W., Chicago.
 Mayer, Levy, Chicago.
 Miles, Charles, Peoria.
 More, C. E., Chicago.
 Norton, T. J., Chicago.
 O'Connor, Charles J., Chicago.
 Page, Geo. T., Peoria.
 Parkinson, Robert H., Chicago.
 Peterson, James A., Chicago.
 Prussing, Eugene E., Chicago.
 Richberg, John O., Chicago.
 Whitman, Russell, Chicago.
 Wigmore, John H., Chicago.
 Worthington, Thomas, Jacksonville.
 Zeisler, Sigmund, Chicago.

INDIANA.

Boice, Augustin, Indianapolis.
 Fraser, Daniel, Fowler.
 Jewett, Charles L., New Albany.
 Ketcham, W. A., Indianapolis.
 Moores, Merrill, Indianapolis.
 Pickens, S. O., Indianapolis.
 Rupe, John L., Richmond.
 Simms, Dan W., Lafayette.
 Taylor, R. S., Ft. Wayne.

IOWA.

Carr, E. M., Manchester.
 Craig, John E., Keokuk.
 Crosby, Jas. O., Garnavillo.
 Deery, John, Dubuque.

KANSAS.

Alden, M. L., Kansas City.
 Allen, Stephen H., Topeka.
 Burdick, William L., Lawrence.
 Dana, R. W., Topeka.
 Evans, E. W., Wichita.

Hill, Henry C., Lawrence.
 Hutchinson, William Easton, Garden City.
 Kagey, C. L., Beloit.
 Kimble, Sam, Manhattan.
 Osborn, Edw. D., Topeka.
 Pulsiver, Park B., Concordia.

KENTUCKY.

Baskin, John B., Louisville.
 Berry, W. A., Paducah.
 Booth, Percy N., Louisville.
 Heatt, C. C., Louisville.
 Hines, Edward W., Louisville.
 Mocquot, J. D., Paducah.
 Reed, W. M., Paducah.
 Stone, Henry L., Louisville.
 Tomlin, John G., Walton.
 Trabue, Edmund F., Louisville.

LOUISIANA.

Carroll, Joseph W., New Orleans.
 Carter, Henry J., New Orleans.
 Dart, Henry P., Jr., New Orleans.
 Denègre, Walter D., New Orleans.
 Farrar, Edgar H., New Orleans.
 Florance, Ernest T., New Orleans.
 Hart, W. O., New Orleans.
 Lemann, Monte M., New Orleans.
 Merrick, Edwin T., New Orleans.
 Rainold, F. E., New Orleans.
 Stubbes, Frank P., Jr., Monroe.
 Thornton, J. R., Alexandria.
 Tullis, R. L., Baton Rouge.
 Waldo, John F. O., New Orleans.
 Wall, Isaac D., Baton Rouge.

MAINE.

Burleigh, Lewis A., Augusta.
 Chapman, Wilford G., Portland.
 Dyer, Isaac W., Portland.
 Eastman, Chase, Portland.
 Emery, Lucilius A., Ellsworth.
 Haskell, Frank H., Portland.
 Hutchinson, Chas. L., Portland.
 Libby, Charles F., Portland.
 Matthews, Fred. V., Portland.
 Meaher, D. A., Portland.
 Sawyer, Clarence E., Portland.
 Trott, Jos. M., Bear.

MARYLAND.

Bowers, James W., Jr., Baltimore.
 Calwell, James S., Baltimore.
 Chesnut, W. Calvin, Baltimore.
 Duvall, Richard M., Baltimore.

France, Joseph C., Baltimore.
 Heuisler, Charles W., Baltimore.
 Hinkley, John, Baltimore.
 Kemp, W. Thomas, Baltimore.
 Mackenzie, Thomas, Baltimore.
 Melvin, Ridgely P., Annapolis.
 Miller, John G., Cumberland.
 Munroe, James M., Annapolis.
 Niles, Albert S., Baltimore.
 Ritchie, Albert C., Baltimore.
 Steuart, Arthur, Baltimore.
 Whitelock, George, Baltimore.
 Williams, Ferdinand, Cumberland.

MASSACHUSETTS.

Abele, George W., Boston.
 Adams, Edw. B., Boston.
 Appleton, John H., Boston.
 Atherton, Percy A., Boston.
 Bailey, Hollis R., Boston.
 Baker, Harvey H., Boston.
 Barnes, Charles B., Jr., Boston.
 Barnes, Jonathan, Springfield.
 Barney, Charles Neal, Lynn.
 Beale, Joseph H., Jr., Cambridge.
 Bingham, Norman W., Jr., Boston.
 Bishop, E. B., Boston.
 Brewer, D. Chauncey, Boston.
 Burke, Charles E., Pittsfield.
 Carroll, Francis M., Boston.
 Carver, Eugene P., Boston.
 Chandler, Albert M., Cambridge.
 Clapp, Robert P., Lexington.
 Clarke, George L., Brookline.
 Clifford, Charles W., New Bedford.
 Darling, Charles K., Concord.
 Dean, J. S., Boston.
 DeCourcy, Charles A., Lawrence.
 Dodge, Robert G., Boston.
 Doran, James P., New Bedford.
 Ensign, Charles S., Jr., Boston.
 Eyges, Leon Russell, Boston.
 Fall, George H., Malden.
 Farlow, John S., Boston.
 Farnham, Frank A., Boston.
 Ferber, J. B., Boston.
 Fisher, F. A., Lowell.
 Flint, Albert F., Boston.
 French, Asa P., Boston.
 Friedman, Lee M., Boston.
 Fuller, James, Boston.
 Gage, Thomas H., Jr., Worcester.
 Gardiner, Robert E., Boston.
 Gordon, John, Boston.
 Gray, J. C., Boston.

Hale, Richard W., Boston.
 Hall, Frank B., Worcester.
 Hall, Frederick S., Taunton.
 Halloran, James A., Boston.
 Hamlin, Charles S., Boston.
 Hartstone, Walter, Boston.
 Haskins, David G., Jr., Cambridge.
 Hemenway, Alfred, Boston.
 Hills, George E., Boston.
 Holliday, Guy H., Boston.
 Homans, R., Boston.
 Hutchings, Henry M., Boston.
 Innes, Charles H., Boston.
 Irwin, Richard W., Northampton.
 Jacobs, Philip W., Boston.
 Jennings, Andrew J., Fall River.
 Johnson, Melvin M., Boston.
 Katz, Maurice L., Worcester.
 Keating, P. M., Boston.
 Kellen, William V., Cohasset.
 Keyes, Wade, Boston.
 Knight, Robert A., Springfield.
 Ladd, Nathaniel W., Boston.
 Lasker, Henry, Springfield.
 Leveroni, Frank, Boston.
 Lewenberg, Solomon, Boston.
 Lincoln, Arba N., Fall River.
 Little, Amos R., Boston.
 Lord, Arthur, Boston.
 Lowell, James A., Boston.
 Lowell, John, Boston.
 Mason, John W., Northampton.
 Michelman, Joseph, Boston.
 Morse, William A., Boston.
 Myers, James J., Boston.
 Ogden, Hugh W., Boston.
 Osgood, William N., Boston.
 Peabody, Francis, Boston.
 Pevey, Gilbert A. A., Cambridge.
 Pickering, Henry G., Boston.
 Poor, John R., Brookline.
 Pound, Roscoe, Cambridge.
 Pugh, James Thomas, Cambridge.
 Putnam, W. L., Boston.
 Quincy, Josiah H., Boston.
 Raymond, John M., Salem.
 Raymond, Robert F., Boston.
 Richards, Albin L., Boston.
 Rubenstein, Philip, Boston.
 Russell, Charles A., Gloucester.
 Russell, J. Porter, Boston.
 Sabine, William, Brookline.
 Saunders, Charles G., Boston.
 Saville, Huntington, Cambridge.
 Sawyer, Alfred L., Lowell.

Saxe, John W., Boston.
 Scaife, Lauriston L., Cohasset.
 Sears, George B., Salem.
 Shackford, S. B., Boston.
 Shattuck, Henry L., Boston.
 Slocum, Edw. T., Pittsfield.
 Slocum, Winfield S., Newton.
 Smith, Arthur Thad, Boston.
 Smith, Fitz Henry, Jr., Boston.
 Stone, Chas. B., West Acton.
 Sullivan, James W., Lynn.
 Swan, Charles H., Boston.
 Taft, George S., Worcester.
 Tisdale, Archibald R., Boston.
 Tyler, Marion L., Boston.
 Van Everen, Horace, Boston.
 Voorhees, H. C., Boston.
 Wambaugh, Eugene, Cambridge.
 Wead, Leslie O., Brookline.
 Weed, Alonzo R., Boston.
 Wellman, Arthur H., Topsfield.
 White, Alden P., Salem.
 White, M. P., Cambridge.
 Wier, Frederick N., Lowell.
 Wrightington, S. R., Boston.
 Wyman, Henry A., Boston.

MICHIGAN.

Barlow, Burt E., Coldwater.
 Bates, George W., Detroit.
 Bates, Henry M., Ann Arbor.
 Black, Cyrenius P., Lansing.
 Campbell, Henry M., Detroit.
 Clark, George L., Ann Arbor.
 Halebrook, Evans, Ann Arbor.
 January, William L., Detroit.
 Moore, Joseph B., Lansing.
 Woodruff, Charles M., Detroit.

MINNESOTA.

Chapin, Walter L., St. Paul.
 Crosby, Wilson G., Duluth.
 Hall, Albert H., Minneapolis.
 Hallam, Oscar, St. Paul.
 Hanley, M. F., Minneapolis.
 Kellogg, Frank P., St. Paul.
 Larimore, J. A., Minneapolis.
 Mason, Alfred F., St. Paul.
 Morgan, Henry A., Albert Lea.
 Paige, James, Minneapolis.
 Shearer, James D., Minneapolis.
 Tighe, Ambrose, St. Paul.

MISSISSIPPI.

Allen, John, Tupelo.
 Bowers, E. J., Gulfport.
 Mayes, Robert B., Jackson.
 Miller, R. N., Hazlehurst.
 Powell, W. H., Canton.
 Sexton, J. S., Hazlehurst.
 Stovall, A. T., Okolona.

MISSOURI.

Allen, Charles C., St. Louis.
 Anderson, Thomas L., St. Louis.
 Barclay, Shepard, St. Louis.
 Bond, Thomas, St. Louis.
 Bowersock, Justin D., Kansas City.
 Brown, R. A., St. Joseph.
 Caice, J. M., St. Louis.
 Cobbs, Thomas H., St. Louis.
 Curtis, William S., St. Louis.
 Davis, J. Lionberger, St. Louis.
 Ellison, James, Kansas City.
 Fox, Charles J., St. Louis.
 Hagerman, Frank, Kansas City.
 Holliday, John H., St. Louis.
 Hough, Warwick M., St. Louis.
 Judson, Frederick N., St. Louis.
 Kehr, Edw. C., St. Louis.
 Lawson, John D., Columbia.
 Lehmann, F. W., St. Louis.
 Moloney, Robert E., St. Louis.
 McLeod, W. D., Kansas City.
 Pattison, Everett W., St. Louis.
 Pierce, T. M., St. Louis.
 Pike, Vinton, St. Joseph.
 Reynolds, George D., St. Louis.
 Reynolds, Thomas H., Kansas City.
 Rozzelle, F. F., Kansas City.
 Robbins, Alexander H., St. Louis.
 Seymour, Samuel W., St. Louis.
 Spencer, Selden P., St. Louis.
 Taylor, Perry P., St. Louis.
 Taylor, Seneca N., St. Louis.
 Thomas, W. O., Kansas City.
 Wilfey, Xenophen P., St. Louis.
 Woerner, William F., St. Louis.

MONTANA.

Holloway, William L., Helena.

NEBRASKA.

Brogan, F. A., Omaha.
 Collin, Ernest B., Lincoln.
 Gurley, William F., Omaha.
 Hall, Frank M., Lincoln.

Kinsler, J. C., Omaha.
 Letton, Charles B., Lincoln.
 McHugh, William D., Omaha.
 Webster, John Lee, Omaha.
 West, Joel B., Omaha.
 Wilson, Henry H., Lincoln.

NEVADA.

Brown, Hugh H., Tonopah.

NEW HAMPSHIRE.

Branch, Oliver E., Manchester.
 Chandler, William E., Concord.
 Eastman, Samuel C., Concord.
 Jewett, Stephen S., Laconia.
 Madden, Joseph, Keene.
 Remick, James W., Concord.
 Snow, Leslie P., Rochester.
 Streeter, Frank S., Concord.

NEW JERSEY.

Armstrong, E. A., Camden.
 Emery, John R., Morristown.
 Fort, John Franklin, East Orange.
 Keasbey, Edward Q., Morristown.
 Parker, R. Wayne, Newark.
 Voorhees, W. P., New Brunswick.

NEW MEXICO.

Reid, W. C., Roswell.

NEW YORK.

Andrews, James D., New York.
 Beck, James M., New York.
 Blymyer, William H., New York.
 Booth, Walter C., New York.
 Boston, Charles A., New York.
 Burdick, Francis M., New York.
 Burlingham, Charles C., New York.
 Butler, Charles Henry, New York.
 Caffey, Francis G., New York.
 Carell, William F., New York.
 Chamberlayne, Charles F., Schenectady.
 Cheney, Jerome L., Syracuse.
 Clearwater, A. T., Kingston.
 Cohen, Julius Henry, New York.
 Dannaher, F. M., Albany.
 Douglas, E. W., Troy.
 Estabrook, Henry D., New York.
 Haskim, Lincoln B., Hempstead.
 Hayes, Alfred, Jr., Ithaca.

Hirsch, Walker H., New York.
 Hirschberg, Henry, Newburgh.
 Hodge, J., Aspinwall, New York.
 Hodges, Frank B., Syracuse.
 Holt, George C., New York.
 Hornblower, William B., New York.
 Ingalsbe, Granville M., Hudson Falls.
 Irvine, Frank, Ithaca.
 Kenyon, William H., New York.
 Kidder, O. G., New York.
 Klein, Henry, Kingston.
 Kling, Joseph, New York.
 Kursheedt, M. A., New York.
 Merry, A. Gordon, New York.
 Morrison, Charles A., New York.
 McCarthy, Joseph A., Troy.
 McCrary, A. J., Binghamton.
 Nellis, A. J., Johnstown.
 Nicholson, John, New York.
 Parker, Alton B., New York.
 Parkinson, Thomas I., New York.
 Pound, Cuthbert W., Lockport.
 Redding, W. A., New York.
 Rice, H., New York.
 Rowe, William V., New York.
 Russell, Isaac F., New York.
 Scovell, J. B., Niagara Falls.
 Sprague, Rufus W., Jr., New York.
 Stetson, Francis Lynde, New York.
 Sumerwell, E. K., New York.
 Sutro, Theodore, New York.
 Taylor, Frances B., Hempstead.
 Terry, Charles T., New York.
 Tompkins, Hamilton B., New York.
 Wadhams, Fred E., Albany.
 Wagner, Franklin A., New York.
 Walton, Charles W., Kingston.
 Waters, Louis L., Syracuse.
 Wheeler, Everett P., New York.
 Young, Eugene N. L., Long Island City.

NORTH CAROLINA.

Bradshaw, George S., Greensboro.
 Bynum, William P., Greensboro.
 Guthrie, William A., Durham.
 Manly, Clement, Winston-Salem.
 Manning, J. S., Durham.
 Parker, Haywood, Asheville.
 Preston, E. Randolph, Charlotte.
 Rollins, Thomas S., Asheville.
 Skinner, Harry, Greenville.
 Walker, Platt D., Charlotte.
 Woodard, F. A., Wilson.

NORTH DAKOTA.

Birdsell, Luther E., Grand Forks.
Bronson, H. A., Grand Forks.
Bruce, Andrew A., Grand Forks.

OHIO.

Cable, D. J., Lima.
Dickson, William L., Cincinnati.
Fenning, Karl, Cleveland.
Geddes, Frederick L., Toledo.
Hadden, Alexander, Cleveland.
James, Eldon R., Cincinnati.
James, Francis B., Cincinnati.
Johnson, Homer H., Cleveland.
Kibler, Edward, Newark.
Maxwell, Lawrence, Cincinnati.
Outcalt, Dudley C., Cincinnati.
Price, John H., Cleveland.
Robeson, A. C., Greenville.
Taft, Frederick L., Cleveland.
Van Deman, John N., Dayton.

OKLAHOMA.

Keaton, J. R., Oklahoma City.
Murphy, George A., Muskogee.
McDougal, D. A., Sapulpa.

PENNSYLVANIA.

Abbott, Edwin M., Philadelphia.
Alexander, Lucien H., Philadelphia.
Bedford, George R., Wilkes Barre.
Brown, J. Hay, Lancaster.
Clement, Charles M., Sunbury.
Crocker, William D., Williamsport.
Ewing, Nathaniel, Uniontown.
Fisher, William Righter, Philadelphia.
Gest, John Marshall, Philadelphia.
Gray, James C., Pittsburg.
Hagan, A. C., Uniontown.
Hayes, William M., Westchester.
Hensel, W. U., Lancaster.
Hopwood, R. F., Uniontown.
Kane, Francis Fisher, Philadelphia.
Lamberton, James M., Harrisburg.
Lewis, William Draper, Philadelphia.
Linn, William B., Philadelphia.
Mestrezat, S. Leslie, Uniontown.
Miner, Sidney R., Wilkes Barre.
O'Connor, Francis J., Johnstown.
Patterson, T. Elliott, Philadelphia.
Prichard, Frank P., Philadelphia.
Ralston, Robert, Philadelphia.
Rawle, Francis, Philadelphia.
Ream, Wm. C., Lancaster.

Schaffer, W. I., Chester.

Shick, Robert P., Philadelphia.
Simpson, Alex., Jr., Philadelphia.
Smith, Edwin W., Pittsburgh.
Smith, Walter George, Philadelphia.
Snodgrass, Robert, Harrisburg.
Staaake, William H., Philadelphia.
Steele, H. J., Easton.
Stewart, R. C., Easton.
Sutton, W. Henry, Philadelphia.
Umbel, R. E., Uniontown.
Viti, Marcel A., Philadelphia.
Waters, Asa W., Philadelphia.
Woodward, J. B., Wilkes Barre.

RHODE ISLAND.

Baker, Darius, Newport.
Barrows, Chester W., Providence.
Churchill, A. L., Providence.
Eaton, Amasa M., Providence.
Hinckley, Frank L., Providence.
Jenckes, Thomas A., Providence.
Lee, Thomas Zanslam, Providence.
Lewis, Nathan B., Kingston.
Littlefield, Nathan W., Pawtucket.
Matteson, Archibald C., Providence.
Matteson, Charles, Providence.
McCaffrey, Joseph J., Providence.
Potter, Dexter B., Providence.
Thurston, Wilmarth H., Providence.

SOUTH CAROLINA.

Evans, John G., Spartanburg.
Clark, Washington, Columbia.
Gibbes, Hunter A., Columbia.
Herbert, R. B., Columbia.
Lyles, William H., Columbia.
Mordecai, T. Moultrie, Charleston.
Nelson, W. S., Columbia.
Robinson, D. W., Columbia.
Sirrime, W. G., Greenville.
Watkins, H. H., Anderson.
Willcox, P. A., Florence.
Woods, C. A., Marion.

SOUTH DAKOTA.

Cherry, U. S. G., Sioux Falls.
Rice, W. G., Deadwood.
Sherwood, C. G., Clark.
Teigen, Tore, Sioux Falls.
Tripp, Bartlett, Yankton.
Voorhees, John H., Sioux Falls.

TENNESSEE.

Biggs, Albert W., Memphis.
 Cooke, R. B., Chattanooga.
 Dickinson, J. M., Nashville.
 Ingersoll, Henry H., Knoxville.
 Maynard, James, Knoxville.
 Osborne, A. L., Bristol.
 Percy, W. A., Memphis.
 Strang, S. Bartow, Chattanooga.
 Trimble, J. M., Chattanooga.

TEXAS.

Burges, William H., El Paso.
 Crook, W. M., Beaumont.
 McClendon, James W., Austin.
 Saner, R. E. L., Dallas.
 Stone, B. B., Ballinger.
 Street, Robert G., Galveston.
 Tarlton, B. D., Austin.

VERMONT.

Batchelder, Wallace, Bethel.
 Sargent, John G., Ludlow.
 Young, George B., Newport.

VIRGINIA.

Cabell, P. H. C., Richmond.
 Caton, James R., Alexandria.
 Christian, Frank P., Lynchburg.
 Davis, Rich. B., Petersburg.
 Griffin, S., Bedford City.
 Grinnan, Daniel, Richmond.
 Hughes, Robert M., Norfolk.

Hunton, Eppa, Jr., Richmond.
 Lewis, L. L., Richmond.
 Massie, Eugene C., Richmond.
 Patterson, A. W., Richmond.
 Shelton, Thomas W., Norfolk.
 Tucker, H. St. G., Lexington.
 White, Benjamin D., Norfolk.

WASHINGTON.

Parker, Emmett N., Olympia.
 Shepard, Charles E., Seattle.

WEST VIRGINIA.

Davis, Dabney C. T., Charleston.
 Hughes, W. W., Welch.
 Payne, J. M., Charleston.
 Price, George E., Charleston.
 Strother, D. J. F., Welch.
 Talbott, E. D., Elkins.
 Vandervort, J. W., Parkersburg.
 Watts, C. C., Charleston.

WISCONSIN.

Bemis, Harry E., Milwaukee.
 Gilmore, E. A., Madison.
 Glicksman, Nathan, Milwaukee.
 Hayes, W. A., Milwaukee.
 Maxon, Glenway, Milwaukee.
 Nash, L. J., Manitowoc.
 Richards, H. S., Madison.
 Sanborn, John B., Madison.
 Swan, George B., Beaver Dam.
 Total, 625.

DELEGATES
FROM
STATE AND LOCAL BAR ASSOCIATIONS
1911.

ALABAMA STATE BAR ASSOCIATION.

EMMET O'NEAL**Montgomery.**
GASTON GUNTER**Montgomery.**

BAR ASSOCIATION OF ARKANSAS.

LOVICK P. MILES**Fort Smith.**
FRANK PACE**Little Rock.**

COLORADO BAR ASSOCIATION.

CLYDE E. DAWSON**Denver.**
GEORGE C. MANLY**Denver.**
THOS. H. DEVINE**Pueblo.**

STATE BAR ASSOCIATION OF CONNECTICUT.

TALCOTT H. RUSSELL**New Haven.**
EARLISS P. ARVINE**New Haven.**
GEORGE E. BEERS**New Haven.**

BAR ASSOCIATION OF DISTRICT OF COLUMBIA.

CHAPIN BROWN**Washington.**
ALDIS B. BROWNE**Washington.**
HENRY H. GLASSIE**Washington.**

GEORGIA BAR ASSOCIATION.

HENRY R. GOETCHIUS**Columbus.**

ILLINOIS STATE BAR ASSOCIATION.

CHARLES V. MILES**Peoria.**
THOMAS WORTHINGTON**Jacksonville.**
EDWARD OSGOOD BROWN**Chicago.**

BAR ASSOCIATION OF STATE OF KANSAS.

WILLIAM M. BURDICKLawrence.
 R. W. DANATopeka.
 SAM. KIMBLEManhattan.

MAINE BAR ASSOCIATION.

JOSIAH H. DRUMMONDPortland.
 LOUIS A. BURLEIGHAugusta.
 RAYMOND FELLOWSBangor.

MICHIGAN STATE BAR ASSOCIATION.

W. W. HYDEGrand Rapids.
 BURT E. BARLOWColdwater.
 HENRY M. BATESAnn Arbor.

MISSISSIPPI STATE BAR ASSOCIATION.

JOHN M. ALLENTupelo.
 ROBERT B. MAYERSJackson.
 W. H. POWELLCanton.

MISSOURI BAR ASSOCIATION.

SELDEN P. SPENCERSt. Louis.
 FRED. W. LEHMANNSt. Louis.
 THOS. H. REYNOLDSKansas City.

NEW JERSEY STATE BAR ASSOCIATION.

SAMUEL KALISCHNewark.
 JOHN FRANKLIN FORTOrange.
 HOWARD CARROWCamden.

NEW YORK STATE BAR ASSOCIATION.

LOUIS MARSHALLNew York.
 WILLIAM H. HOTCHKISSAlbany.
 WILLIAM NOTTINGHAMSyracuse.

NORTH CAROLINA BAR ASSOCIATION.

JAMES S. MANNINGDurham.
 E. R. PRESTONCharlotte.
 A. W. MCLEANLumberton.

BAR ASSOCIATION OF NORTH DAKOTA.

HARRISON A. BRONSONGrand Forks.

OHIO STATE BAR ASSOCIATION.

A. D. FOLLETTMarietta.
 GILBERT H. STEWARTColumbus.
 ANDREW D. ROBESON.....Greenville.

OKLAHOMA STATE BAR ASSOCIATION.

J. R. KEATONOklahoma City.
 S. W. HAYESOklahoma City.
 C. L. JACKSONMuskogee.

PENNSYLVANIA BAR ASSOCIATION.

EDWIN W. SMITHPittsburgh.
 ROBERT RALSTONPhiladelphia.
 WILLIAM M. HAYESWest Chester.

SOUTH CAROLINA BAR ASSOCIATION.

P. A. WILCOXFlorence.
 JNO. GABY EVANSSpartanburg
 J. LYLES GLENNChester.

SOUTH DAKOTA BAR ASSOCIATION.

CARL G. SHERWOODClark.
 WILLIAM G. RICEDeadwood.
 U. S. G. CHERRYSioux Falls.

BAR ASSOCIATION OF TENNESSEE.

WILLIAM A. ANDERSONKnoxville.
 JOHN W. JUDDNashville.
 PERCY D. MADDINNashville.

VIRGINIA STATE BAR ASSOCIATION.

L. L. LEWISRichmond.
 SAMUEL GRIFFINBedford City.
 THOMAS W. SHELTONNorfolk.

VERMONT BAR ASSOCIATION.

JOHN G. SARGENTLudlow.
 GEORGE B. YOUNGNewport.

WASHINGTON STATE BAR ASSOCIATION.

E. N. PARKEROlympia.
 GEO. T. REIDTacoma.
 CHAS. E. SHEPARDSeattle.

WEST VIRGINIA BAR ASSOCIATION.

CHARLES. S. DICELewiston.
 CHARLES E. HOGGMorgantown.
 GEORGE POFFENBARGERPoint Pleasant.

BAR ASSOCIATION OF WISCONSIN.

NATHAN GLICKSMANMilwaukee.

ANNUAL DINNER

The Annual Dinner was held on Thursday evening, August 31, 1911, at the Hotel Somerset, Boston, Massachusetts.

James M. Beck, of New York, presided.

The speakers and the toasts to which they responded were:

SAMUEL J. ELDERWhat's the Constitution between
of Boston, Mass. Friends?

ALBERT W. BIGGSThe Swing of the Pendulum.
of Memphis, Tenn.

WILLIAM F. GURLEYThe Lawyer's Responsibility Un-
of Omaha, Neb. der Modern Legislation.

FERDINAND WILLIAMSLegal Ethics.
of Cumberland, Md.

STEPHEN S. GREGORYThe Incoming President.
of Chicago, Ill.

Four hundred and thirty-nine members and guests were present.

LIST OF PRESIDENTS

1. 1878-79-*JAMES O. BROADHEAD¹.....St. Louis, Missouri.
2. 1879-80-*BENJAMIN H. BRISTOW.....New York, New York.
3. 1880-81-*EDWARD J. PHELPS.....Burlington, Vermont.
4. 1881-82-*CLARKSON N. POTTER².....New York, New York.
5. 1882-83-*ALEXANDER R. LAWTON.....Savannah, Georgia.
6. 1883-84-*CORTLANDT PARKERNewark, New Jersey.
7. 1884-85-*JOHN W. STEVENSON.....Covington, Kentucky.
8. 1885-86-*WILLIAM ALLEN BUTLER....New York, New York.
9. 1886-87-*THOMAS J. SEMMES.....New Orleans, Louisiana.
10. 1887-88-*GEORGE G. WRIGHT.....Des Moines, Iowa.
11. 1888-89-*DAVID DUDLEY FIELD.....New York, New York.
12. 1889-90-*HENRY HITCHCOCKSt. Louis, Missouri.
13. 1890-91-SIMEON E. BALDWIN.....New Haven, Connecticut.
14. 1891-92-JOHN F. DILLON.....New York, New York.
15. 1892-93-*JOHN RANDOLPH TUCKER...Lexington, Virginia.
16. 1893-94-*THOMAS M. COOLEY³.....Ann Arbor, Michigan.
17. 1894-95-*JAMES C. CARTER.....New York, New York.
18. 1895-96-MOORFIELD STOREYBoston, Massachusetts.
19. 1896-97-*JAMES M. WOOLWORTH.....Omaha, Nebraska.
20. 1897-98-*WILLIAM WIRT HOWE.....New Orleans, Louisiana.
21. 1898-99-JOSEPH H. CHOATE⁴.....New York, New York.
22. 1899-1900-*CHARLES F. MANDERSON..Omaha, Nebraska.
23. 1900-1901-EDMUND WETMORENew York, New York.
24. 1901-1902-U. M. ROSE.....Little Rock, Arkansas.
25. 1902-1903-FRANCIS RAWLEPhiladelphia, Pennsylvania.
26. 1903-1904-JAMES HAGERMANSt. Louis, Missouri.
27. 1904-1905-HENRY ST. GEO. TUCKER..Lexington, Virginia.
28. 1905-1906-GEORGE R. PECK.....Chicago, Illinois.
29. 1906-1907-ALTON B. PARKER.....New York, New York.
30. 1907-1908-J. M. DICKINSON.....Chicago, Illinois.
31. 1908-1909-FREDERICK W. LEHMANN...St. Louis, Missouri.
32. 1909-1910-CHARLES F. LIBBY....,....Portland, Maine.
33. 1910-1911-EDGAR H. FARRAR.....New Orleans, Louisiana.
34. 1911-1912-STEPHEN S. GREGORYChicago, Illinois.

* Deceased.

¹ At the Conference for organizing the Association in 1878, John H. B. Latrobe, of Maryland, was elected Temporary Chairman, and when the organization was completed, Benjamin H. Bristow, of Kentucky, was elected President of the Conference.

² In consequence of the death of Clarkson N. Potter, Francis Kernan, of New York, presided and prepared and delivered the President's Address in 1882.

³ In consequence of the illness of Thomas M. Cooley, Samuel F. Hunt, of Ohio, presided and read the President's Address prepared by Judge Cooley in 1894.

⁴ In consequence of the absence of Joseph H. Choate, as Ambassador to Great Britain, Charles F. Manderson, of Nebraska, presided and prepared and delivered the President's Address in 1899.

LIST OF SECRETARIES.

1. 1878-93-*EDWARD OTIS HINKLEY¹.... Baltimore, Maryland.
2. 1893-1909-JOHN HINKLEY² Baltimore, Maryland.
3. 1909- GEORGE WHITELOCK Baltimore, Maryland.
- 1909-1910-ALBERT C. RITCHIE, As. Sec. Baltimore, Maryland.
- 1910- W. THOMAS KEMP, As. Sec. Baltimore, Maryland.

LIST OF TREASURERS.

1. 1878-1902-FRANCIS RAWLE..... Philadelphia, Penna.
2. 1902- FREDERICK E. WADHAMS... Albany, New York.

LIST OF EXECUTIVE COMMITTEE.

1. 1878-87-*LUKE P. POLAND..... St. Johnsbury, Vermont.
2. 1878-88-SIMEON E. BALDWIN³..... New Haven, Connecticut.
3. 1878-80-*WILLIAM A. FISHER..... Baltimore, Maryland.
4. 1880-85-*WILLIAM ALLEN BUTLER.... New York, New York.
5. 1885-90-*CHARLES C. BONNEY³..... Chicago, Illinois.
6. 1887-96-*GEORGE A. MERCER..... Savannah, Georgia.
7. 1888-90-*JOHN RANDOLPH TUCKER... Lexington, Virginia.
8. 1890-91-*WILLIAM P. WELLS..... Detroit, Michigan.
9. 1890-99-ALFRED HEMENWAY Boston, Massachusetts.
10. 1891-95-*BRADLEY G. SCHLEY..... Milwaukee, Wisconsin.
11. 1895-99-CHARLES CLAFLIN ALLEN.... St. Louis, Missouri.
12. 1896-97-*WILLIAM WIRT HOWE..... New Orleans, Louisiana.
13. 1897-1900-CHARLES NOBLE GREGORY.. Madison, Wisconsin.
14. 1899-1900-EDMUND WETMORE New York, New York.
15. 1899-1901-U. M. ROSE..... Little Rock, Arkansas.
16. 1899-1902-WILLIAM A. KETCHAM.... Indianapolis, Indiana.
17. 1899-1902-HENRY ST. GEORGE TUCKER. Lexington, Virginia.
18. 1900-1903-RODNEY A. MERCUR..... Towanda, Pennsylvania.
19. 1900-1903-CHARLES F. LIBBY..... Portland, Maine.
20. 1901-1903-JAMES HAGERMAN St. Louis, Missouri.
21. 1902-1905-P. W. MELDRIM..... Savannah, Georgia.
22. 1902-1905-PLATT ROGERS Denver, Colorado.
23. 1903-1906-M. F. DICKINSON..... Boston, Massachusetts.
24. 1903-1906-THEODORE S. GARNETT.... Norfolk, Virginia.
25. 1903-1906-WILLIAM P. BREEN..... Fort Wayne, Indiana.
26. 1905-1908-CHARLES MONROE Los Angeles, California.
27. 1905-1908-RALPH W. BRECKENRIDGE.. Omaha, Nebraska.
28. 1906-1909-CHARLES F. LIBBY..... Portland, Maine.
29. 1906-1909-WALTER GEORGE SMITH.... Philadelphia, Pennsylvania.
30. 1906-1909-ROME G. BROWN..... Minneapolis, Minnesota.
31. 1908-1911-WILLIAM O. HART New Orleans, Louisiana.
32. 1908-1911-CHARLES HENRY BUTLER... New York, New York.
33. 1909- JOHN HINKLEY Baltimore, Maryland.
34. 1909- RALPH W. BRECKENRIDGE.. Omaha, Nebraska.
35. 1909- LYNN HELM Los Angeles, California.
36. 1911- HOLLIS R. BAILEY..... Boston, Massachusetts.
37. 1911- ALDIS B. BROWNE..... Washington, D. C.

* Deceased.

¹ In 1878, Francis Rawle, of Pennsylvania, and Isaac Grant Thompson, of New York, acted as temporary Secretaries and as Secretaries of the Conference.

In 1886, Edward Otis Hinkley being absent, Walter George Smith, of Pennsylvania, acted as Secretary *pro tempore*.

² In 1898, John Hinkley being absent, George P. Wanty, of Michigan, acted as Secretary *pro tempore*.

³ In 1888, at the first meeting of the Executive Committee after the adjournment of the Association, Simeon E. Baldwin resigned, and Charles C. Bonney was chosen to fill the vacancy under By-Law X.

LIST OF PLACES OF MEETING AND ATTENDANCE.

Meeting.	Year.	Date.	Place.	Attendance.
1.....	1878....	Aug. 21, 22.....	Saratoga Springs, N. Y.....	75
2.....	1879....	Aug. 20, 21.....	Saratoga Springs, N. Y... (no record)	
3.....	1880....	Aug. 18, 19, 20.....	Saratoga Springs, N. Y.....	97
4.....	1881....	Aug. 17, 18, 19.....	Saratoga Springs, N. Y.....	124
5.....	1882....	Aug. 8, 9, 10, 11.....	Saratoga Springs, N. Y.....	107
6.....	1883....	Aug. 22, 23, 24.....	Saratoga Springs, N. Y.....	120
7.....	1884....	Aug. 20, 21, 22.....	Saratoga Springs, N. Y.....	108
8.....	1885....	Aug. 19, 20, 21.....	Saratoga Springs, N. Y.....	124
9.....	1886....	Aug. 18, 19, 20.....	Saratoga Springs, N. Y.....	137
10.....	1887....	Aug. 17, 18, 19.....	Saratoga Springs, N. Y.....	149
11.....	1888....	Aug. 15, 16, 17.....	Saratoga Springs, N. Y.....	121
12.....	1889....	Aug. 28, 29, 30.....	Chicago, Ill.	158
13.....	1890....	Aug. 20, 21, 22.....	Saratoga Springs, N. Y.....	132
14.....	1891....	Aug. 26, 27, 28.....	Boston, Mass.	202
15.....	1892....	Aug. 24, 25, 26.....	Saratoga Springs, N. Y.....	143
16.....	1893....	Aug. 30, 31, Sept. 1.	Milwaukee, Wis.	130
17.....	1894....	Aug. 22, 23, 24.....	Saratoga Springs, N. Y.....	140
18.....	1895....	Aug. 27, 28, 29, 30..	Detroit, Mich.	199
19.....	1896....	Aug. 19, 20, 21.....	Saratoga Springs, N. Y.....	276
20.....	1897....	Aug. 25, 26, 27.....	Cleveland, Ohio	184
21.....	1898....	Aug. 17, 18, 19.....	Saratoga Springs, N. Y.....	227
22.....	1899....	Aug. 28, 29, 30.....	Buffalo, N. Y.....	227
23.....	1900....	Aug. 29, 30, 31.....	Saratoga Springs, N. Y.....	230
24.....	1901....	Aug. 21, 22, 23.....	Denver, Colo.	306
25.....	1902....	Aug. 27, 28, 29.....	Saratoga Springs, N. Y.....	230
26.....	1903....	Aug. 26, 27, 28.....	Hot Springs, Va.	250
27.....	1904....	Sept. 26, 27, 28.....	St. Louis, Mo.....	451
28.....	1905....	Aug. 23, 24, 25.....	Narragansett Pier, R. I.....	277
29.....	1906....	Aug. 29, 30, 31.....	St. Paul, Minn.....	369
30.....	1907....	Aug. 26, 27, 28.....	Portland, Maine.....	402
31.....	1908....	Aug. 25, 26, 27, 28..	Seattle, Washington.....	312
32.....	1909....	Aug. 24, 25, 26, 27..	Detroit, Michigan.....	389
33.....	1910....	Aug. 30, 31, Sept. 1.	Chattanooga, Tennessee.....	324
34.....	1911....	Aug. 29, 30, 31.....	Boston, Mass.	625

CONSTITUTION

NAME AND OBJECT.

ARTICLE I.—This Association shall be known as “THE AMERICAN BAR ASSOCIATION.” Its object shall be to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the union, uphold the honor of the profession of the law and encourage cordial intercourse among the members of the American Bar.

QUALIFICATIONS FOR MEMBERSHIP.

ARTICLE II.—Any person shall be eligible to membership in this Association who shall be, and shall, for five years next preceding, have been a member in good standing of the Bar of any state, and who shall also be nominated as hereinafter provided.

OFFICERS AND COMMITTEES.

ARTICLE III.—The following officers shall be elected at each Annual Meeting for the year ensuing: A President (the same person shall not be elected President two years in succession); one Vice-President from each state; a Secretary; a Treasurer; a Council, consisting of one member from each state (the Council shall be a standing committee on nominations for office); an Executive Committee, which shall consist of the President, the last ex-President, the Secretary and the Treasurer, all of whom shall be *ex-officio* members, together with five other members, to be chosen by the Association, but no member shall be eligible to such choice more than three years in succession; and the President, and in his absence the ex-President, shall be the chairman of the committee.¹ There shall be an Assistant Secretary, who shall be elected by the Executive Committee, and shall hold office at their pleasure.²

¹ Amended August 19, 1898, and August 30, 1899.

² Amended August 25, 1909.

The following committees shall be annually appointed by the President for the year ensuing, and shall consist of five members each:

- On Jurisprudence and Law Reform;
- On Judicial Administration and Remedial Procedure;
- On Legal Education and Admissions to the Bar;
- On Commercial Law;
- On International Law;
- On Publications;
- On Grievances;
- On Law Reporting and Digesting;³
- On Patent, Trade-Mark and Coypright Law;⁴
- On Insurance Law;⁵
- On Taxation;⁶ and a committee

On Uniform State Laws, to consist of one member from each state.⁷

A majority of those members of any committee, including the Council, who may be present at any meeting of the Association, shall constitute a quorum of such committee for the purpose of such meeting.

The Vice-President for each state, and not less than two other members from such state, to be annually elected, shall constitute a Local Council for such state, to which shall be referred all applications for membership from such state. The Vice-President shall be, *ex-officio*, Chairman of such Council.

A committee of three, of whom the Secretary shall always be one, shall be appointed by the President at each Annual Meeting of the Association, whose duty it shall be to report to the next meeting the names of all members who shall, in the interval, have died, with such notices of them as shall, in the discretion of the committee, be proper.

It shall be the duty of the Vice-President from each state and territory to report the deaths of members within the same to the said committee.

³ Amended August 29, 1895.

⁴ Amended August 30, 1899.

⁵ Amended September 28, 1904.

⁶ Amended August 31, 1906.

⁷ Amended August 28, 1903.

ELECTION OF MEMBERS.

ARTICLE IV.—All nominations for membership shall be made by the Local Council of the state to the Bar of which the persons nominated belong. Such nominations must be transmitted in writing to the Chairman of the General Council, and approved by the Council, on vote by ballot.

The General Council may also nominate members from states having no Local Council, and at the Annual Meeting of the Association, in the absence of all members of the Local Council of any state; *Provided*, That no nomination shall be considered by the General Council, unless accompanied by a statement in writing by at least three members of the Association from the same state with the person nominated, or, in their absence, by members from a neighboring state or states, to the effect that the person nominated has the qualifications required by the Constitution and desires to become a member of the Association, and recommending his admission as a member.

All nominations thus made or approved shall be reported by the Council to the Association, and all whose names are reported shall thereupon become members of the Association; *Provided*, That if any member demand a vote upon any name thus reported, the Association shall thereupon vote thereon by ballot.

Several nominees, if from the same state, may be voted for upon the same ballot; and in such case placing the word "No" against any name or names upon the ticket shall be deemed a negative vote against such name or names, and against those only. Five negative votes shall suffice to defeat an election.

During the period between the Annual Meetings, members may be elected by the Executive Committee upon the written nomination of a majority of the Vice-President and members of the Local Council of any state.

ARTICLE V.—All members of the Conference adopting the Constitution, and all persons elected by them upon the recommendation of the committee of five appointed by such Conference, shall become members of the Association upon payment of the annual dues for the current year herein provided for.

BY-LAWS.

ARTICLE VI.—By-laws may be adopted at any Annual Meeting of the Association by a majority of the members present. It shall be the duty of the Executive Committee, without delay, to adopt suitable By-laws, which shall be in force until rescinded by the Association.

DUES.

ARTICLE VII.—Each member shall pay five dollars to the Treasurer as annual dues, and no person shall be qualified to exercise any privilege of membership who is in default. Such dues shall be payable, and the payment thereof enforced, as may be provided by the By-laws. Members shall be entitled to receive all publications of the Association free of charge.

ANNUAL ADDRESS.

ARTICLE VIII.—The President shall open each Annual Meeting of the Association with an address, in which he shall communicate the most noteworthy changes in statute law on points of general interest made in the several states and by Congress during the preceding year. It shall be the duty of the member of the General Council from each state to report to the President, on or before the first day of May, annually, any such legislation in his state.

ANNUAL MEETINGS.

ARTICLE IX.—This Association shall meet annually, at such time and place as the Executive Committee may select, and those present at such meeting shall constitute a quorum.

AMENDMENTS.

ARTICLE X.—This Constitution may be altered or amended by a vote of three-fourths of the members present at any Annual Meeting, but no such change shall be made at any meeting at which less than thirty members are present.

CONSTRUCTION.

ARTICLE XI.—The word "*state*," whenever used in this Constitution, shall be deemed to be equivalent to *state, territory, the District of Columbia* and the *insular and other possessions of the United States*.*

* Amended August 25, 1909.

BY-LAWS

MEETING OF THE ASSOCIATION.

I.—The Executive Committee, at its first meeting after each Annual Meeting, shall select some person to make an address at the next Annual Meeting, and not exceeding six members of the Association to read papers.

II.—The order of exercises at the Annual Meeting shall be as follows:

- (a) Opening Address of the President.
- (b) Nominations and Election of Members.
- (c) Election of the General Council.
- (d) Reports of Secretary and Treasurer.
- (e) Report of Executive Committee.
- (f) Reports of Standing Committees.
 - On Jurisprudence and Law Reform;
 - On Judicial Administration and Remedial Procedure;
 - On Legal Education and Admissions to the Bar;
 - On Commercial Law;
 - On International Law;
 - On Publications;
 - On Grievances;
 - On Law Reporting and Digesting;
 - On Patent, Trade-Mark and Copyright Law;¹
 - On Insurance Law;¹
 - On Taxation;²
 - On Uniform State Laws.¹
- (g) Reports of Special Committees.
- (h) The Nomination of Officers.
- (i) Miscellaneous Business.
- (j) The Election of Officers.

¹ Amended August 23, 1905.

² Amended August 31, 1906.

The address, to be delivered by a person invited by the Executive Committee, shall be made at such session of the Annual Meeting as shall be designated by the Executive Committee.³

The reading and delivering of essays and papers shall be on the same day, or at such other time as the Executive Committee may determine.

III.—No person shall speak more than ten minutes at a time or more than twice on one subject.

A stenographer shall be employed at each Annual Meeting.

All resolutions except those of a formal character shall be referred by the Chair on presentation, without debate, to an appropriate committee; and no resolution which is not favorably reported by the committee to which it is referred, or adopted by the Association, shall be published in the proceedings of the meeting.⁴

IV.—Each State Bar Association may annually appoint delegates, not exceeding three in number, to the next meeting of the Association. In states where no State Bar Association exists, any City or County Bar Association may appoint such delegates, not exceeding two in number. Such delegates shall be entitled to all the privileges of membership at and during the said meeting.

V.—At any of the meetings of the Association, members of the Bar of any foreign country or of any state who are not members of the Association may be admitted to the privileges of the floor during such meeting.

VI.—All papers read before the Association shall be lodged with the Secretary. The Annual Address of the President, and such reports of committees, papers and proceedings at the Annual Meeting shall be printed, as the Committee on Publications shall order.⁵

Extra copies of reports, addresses and papers read before the Association may be printed by the Committee on Publications for the use of their authors, not exceeding two hundred copies for each of such authors.

³ Amended August, 1910.

⁵ Amended August 25, 1908.

⁴ Amended August 25, 1908.

The Secretary and the Chairman of the Executive Committee shall endeavor to arrange with the Smithsonian Institution, or otherwise, a system of exchanges by which the *Transactions* can be annually exchanged with those of other associations in foreign countries interested in jurisprudence or governmental affairs; and the Secretary shall exchange the *Transactions* with those of the State and Local Bar Associations; and all books thus acquired shall be bound and deposited in the charge of the New York City Bar Association, subject to the call of this Association, if it ever desires to withdraw or consult them, if the former Association agrees to such deposit.

The Secretary shall send one copy of the Report of the proceedings of this Association to the President of the United States, and to each of the Judges of the Supreme Court thereof, and to the Library of the State Department, and of the Department of Justice thereof, and to the Library of Congress, and the Library of the Supreme Court thereof, and to the Governor, and to the Chief Judge of the court of last resort of each state, and to the State Librarian thereof, and to all public law libraries, and other principal public and college libraries in the United States, and to such other persons or bodies as the Executive Committee may direct.

No resolution complimentary to an officer or member for any service performed, paper read or address delivered shall be considered by the Association.

OFFICERS AND COMMITTEES.

VII.—The terms of office of all officers elected at any Annual Meeting shall commence at the adjournment of such meeting, except the Council, whose term of office shall commence immediately upon their election.

VIII.—The President shall appoint all committees, except the Committee on Publications, within thirty days after the Annual Meeting, and shall announce them to the Secretary, and the Secretary shall promptly give notice to the persons appointed. The Committee on Publications shall be appointed on the first day of each meeting.

There shall be appointed annually by the President a committee to be known as the Reception Committee, consisting of fifteen members of the Association, whose duty it shall be to attend immediately before and at the opening of the first day's session of the meeting to receive members and delegates and introduce them to each other, with a view of making them better acquainted and establishing a spirit of good fellowship among them.*

IX.—The Treasurer's Report shall be examined and audited annually, before its presentation to the Association, by two members to be appointed by the Chairman of the Executive Committee.

X.—The Council and all standing committees shall meet on the day preceding each Annual Meeting, at the place where the same is to be held, at such hour as their respective Chairman shall appoint. If at any Annual Meeting of the Association any member of any committee shall be absent, the vacancy may be filled by the members of the committee present.

The Secretary of the Association shall be the Secretary of the Council.

XI.—The Committee on Publications shall also meet within one month after each Annual Meeting, at such time and place as the Chairman shall appoint.

XII.—Special meetings of any committee shall be held at such times and places as the Chairman thereof may appoint. Reasonable notice shall be given by him to each member by mail.

The traveling and other necessary expenses incurred by any committee, standing or special, for meetings of such committee, during the interval between the Annual Meetings of the Association, shall be paid by the Treasurer, on the approval and by the order of the Executive Committee, out of such appropriation as to the Executive Committee may seem necessary in each case, on previous application in advance of its expenditure.

All committees may have their reports printed by the Secretary before the Annual Meeting of the Association; and any

* Amended August 23, 1905.

such report, containing any recommendation for action on the part of the Association, shall be printed, together with a draft of bill embodying the views of the committee, whenever legislation shall be proposed. Such report shall be distributed by mail by the Secretary to all the members of the Association at least fifteen days before the Annual Meeting at which such report is proposed to be submitted. No legislation shall be recommended or approved unless there has been a report of a committee, either in favor of or against the same, and unless such legislation be approved by a two-thirds vote of the members of the Association present.⁷ Where the report of a committee has been printed it shall not be read before a meeting of the Association unless directed by a majority vote of those present at the meeting, but the chairman of the committee shall state the purport and substance thereof to the meeting.⁸

It shall be the duty of each Vice-President and member of the General Council of this Association to endeavor to procure the enactment by the legislature of their state of each and every law recommended by the Association, and the Secretary shall furnish them with copies of each and every recommendation and draft of bill, when there shall be such draft; and whenever this Association shall by resolution recommend the enactment of any law or laws, the Secretary shall, as soon as possible, furnish a copy of the resolution to the President of each State Bar Association, with the request of this Association that such State Bar Association shall co-operate with the local Vice-President and member of the General Council of this Association in having a bill introduced in the legislature of its state containing the subject matter recommended by such resolution, and use proper means to procure the enactment of the same into law. In every state where there is no State Bar Association, a copy of such resolution with a similar request shall be sent to the President of the Bar Association of the principal city in such state; and in every instance where the form of bill has been recommended with the resolution, a copy of such form of bill shall also be sent with the resolution.

⁷ Amended August 29, 1902, and August 31, 1906.

⁸ Amended September 1, 1910.

ANNUAL DUES.

XIII.—The Annual Dues shall be payable at the Annual Meeting in advance. If any member neglects to pay his yearly dues on or before June 1 following the Annual Meeting, it shall be the duty of the Treasurer to serve upon him by mail a copy of this By-law and notice that unless the dues are paid within one month thereafter, the default will be reported to the Executive Committee, which may, without further notice, cause the name of such member to be stricken from the rolls for non-payment of dues, and his membership and all rights in respect thereto will thereupon cease.⁹

A member who has been dropped from the roll for non-payment of dues may be restored to membership by the Executive Committee upon the payment of such back dues as the committee shall think equitable.¹⁰ *Provided*, such restoration shall be recommended by a member of the Local Council of his state, or in their absence, at an Annual Meeting, by any two members of the Association.

XIV.—A Section of the Association, to be known as the Section of Legal Education,¹¹ is hereby established, which shall meet annually in connection with the meeting of the Association, but not during such hours as the Association is in session.

Its object shall be the discussion of methods of legal education, and it may make recommendations to the Association, which shall be referred by the Association to the Committee on Legal Education.

The proceedings of the Section may be published from time to time, at the discretion of the Executive Committee, and on the recommendation of the Committee on Publications.

All members of the Association, who desire, may enroll themselves as members of the Section, and persons not eligible for membership in the Association, but who are engaged in teaching law, may be admitted to the privilege of the floor at any meeting of the Section, by vote of the Section.

⁹ Amended August 29, 1911.

¹⁰ Amended September 28, 1904.

¹¹ Amended August 30, 1893.

The Section shall be organized by the appointment of a Chairman and Secretary at its first session; and a Chairman and Secretary shall thereafter be elected annually by the Section.

A Section of the Association, to be known as the Section of Patent, Trade-Mark and Copyright Law,¹² is hereby established, which shall meet annually in connection with the meeting of the Association, but not during such hours as the Association is in session.

Its object shall be to discuss the subject of the law and practice relating to patents, trade-marks and copyrights. It may report to the Association; and matters relating to patents, trade-marks and copyrights may be referred to it.

The proceedings of the Section may be published from time to time, at the discretion of the Executive Committee, and on the recommendation of the Committee on Publications.

All members of the Association who desire may enroll themselves as members of the Section.

The Section shall be organized by the appointment of a Chairman and Secretary by the Section, and a Chairman and Secretary shall be thereafter annually elected by the Section for the year commencing upon the final adjournment of its meeting.

XV.¹³—1. An auxiliary body of the Association, to be known as the "Comparative Law Bureau" is hereby established, which shall meet annually in connection with the meeting of the Association, but not during such hours as the Association is in session.

2. Its objects shall be the presentation and discussion of methods whereby important laws of foreign nations affecting the science of jurisprudence may be brought to the attention of American lawyers and institutions of learning, and become available in the general study of private law.

3. The membership of the Bureau shall consist of the members of this Association who are in good standing and such other bodies corporate or unincorporated associations and individuals as the Bureau may admit.

4. No dues or assessments shall be chargeable to individual

¹² Amended August 30, 1899.

¹³ Adopted August 28, 1907.

members of this Association, but all others shall be subject to such as may be prescribed by the Bureau.

5. The Bureau shall be organized by the selection of a Director, Secretary and Treasurer who shall be members of this Association in good standing, and five Managers at its first session who with four members of this Association to be appointed by the President, shall compose a Board of Managers of twelve, which shall be renewed annually and have entire management and control of the Bureau and its affairs until its successors shall have been duly qualified by acceptance, subject to the advance direction and advice of this Association. The Bureau shall have power to adopt regulations for conducting its affairs in accordance with the purpose of its creation, but not in conflict with the Constitution, By-laws or any action or direction of this Association.

6. The financial liability of this Association concerning said Bureau, shall be limited to such appropriations as may be made for it from time to time and shall cease in all respects with payment to the Treasurer of the Bureau of the amounts so appropriated.

7. The Board of Managers shall present to this Association an annual report in detail as to work and finances up to the preceding June first, which report shall be printed and distributed among the members fifteen days before the Annual Meeting of this Association, unless this requirement be waived for any particular year by the Executive Committee.

STANDING RULE.¹⁴

At all meetings and dinners of the American Bar Association, the American flag shall be displayed, and the Executive Committee shall see that this rule is carried out.

¹⁴. Adopted August 31, 1906.

OFFICERS

1911-1912.

PRESIDENT.

STEPHEN S. GREGORY, *Chicago, Ill.*

SECRETARY,

GEORGE WHITELOCK, *Baltimore, Maryland.*

TREASURER.

FREDERICK E. WADHAMS, *37 Tweddle Building, Albany, N. Y.*

ASSISTANT SECRETARY,

W. THOMAS KEMP, *1408 Continental Building, Baltimore, Md.*

EXECUTIVE COMMITTEE,

EX OFFICIO.

THE PRESIDENT,

THE SECRETARY,

THE TREASURER,

EDGAR H. FARRAR,

New Orleans, La.

ELECTED MEMBERS.

RALPH W. BRECKENRIDGE, *Omaha, Neb.*

LYNN HELM, *Los Angeles, California.*

JOHN HINKLEY, *Baltimore, Md.*

HOLLIS R. BAILEY, *Boston Mass.*

ALDIS B. BROWNE, *Washington, D. C.*

SECTION OF LEGAL EDUCATION.

HOLLIS R. BAILEY, *Boston, Massachusetts, Chairman.*

CHARLES M. HEPBURN, *Bloomington, Indiana, Secretary.*

SECTION OF PATENT, TRADE-MARK AND COPYRIGHT LAW.

ROBERT S. TAYLOR, *Fort Wayne, Indiana, President.*

OTTO R. BARNETT, *Chicago, Illinois, Secretary.*

COMPARATIVE LAW BUREAU.

SIMEON E. BALDWIN, *New Haven, Connecticut, Director.*

WILLIAM W. SMITHERS, *Philadelphia, Pennsylvania, Secretary.*

EUGENE C. MASSIE, *Richmond, Virginia, Treasurer.*

ROBERT P. SHICK, *Pennsylvania, Assistant Secretary.*

ASSOCIATION OF AMERICAN LAW SCHOOLS.

ROSCOE POUND, *Harvard Law School, Cambridge, Mass., President.*

GEORGE P. COSTIGAN, JR., *Northwestern University School of Law, Chicago, Ill., Secretary-Treasurer.*

CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS.

WALTER GEORGE SMITH, *Philadelphia, Pennsylvania, President.*

A. T. STOVALL, *Okolona, Mississippi, Vice-President.*

CHARLES THADDEUS TERRY, *100 Broadway, New York, Secretary.*

TALCOTT H. RUSSELL, *New Haven, Connecticut, Treasurer.*

M. GRUNTHAL, *100 Broadway, New York, Assistant Secretary.*

GENERAL COUNCIL

State.	Name.	Residence.
ALABAMA	EMMETT O'NEAL	Florence.
ALASKA TERRITORY	ROBERT W. JENNINGS...	Juneau.
ARIZONA TERRITORY	E. E. ELLINWOOD	Bisbee.
ARKANSAS	JOHN FLETCHER	Little Rock.
CALIFORNIA	OSCAR A. TRIPPET	Los Angeles.
COLORADO	GEORGE C. MANLY	Denver.
CONNECTICUT	E. P. ARVINE	New Haven.
DELAWARE	BENJAMIN NIELDS	Wilmington.
DISTRICT OF COLUMBIA..	F. A. FENNING	Washington.
FLORIDA	F. M. SIMONTON	Tampa.
GEORGIA	T. A. HAMMOND	Atlanta.
HAWAII TERRITORY	DAVID L. WITHINGTON..	Honolulu.
IDAHO	FREMONT WOOD	Boise.
ILLINOIS	GEORGE T. PAGE	Peoria.
INDIANA	WM. A. KETCHAM	Indianapolis.
IOWA	EDW. M. CARR	Manchester.
KANSAS	STEPHEN H. ALLEN	Topeka.
KENTUCKY	EDMUND F. TRABUE ...	Louisville.
LOUISIANA	ERNEST T. FLORENCE ..	New Orleans.
MAINE	L. A. EMERY	Ellsworth.
MARYLAND	ARTHUR STEUART	Baltimore.
MASSACHUSETTS	FITZ-HENRY SMITH, JR..	Boston.
MICHIGAN	WILLIAM L. JANUARY ..	Detroit.
MINNESOTA	OSCAR HALLAM	St. Paul.
MISSISSIPPI	JOHN M. ALLEN	Tupelo.
MISSOURI	THOMAS H. REYNOLDS..	Kansas City.
MONTANA	THOMAS J. WALSH	Helena.
NEBRASKA	WILLIAM D. MCHUGH ..	Omaha.
NEVADA	HUGH H. BROWN	Tonopah.
NEW HAMPSHIRE	SAMUEL C. EASTMAN ..	Concord.
NEW JERSEY	EDW. Q. KEASBEY	Newark.
NEW MEXICO TERRITORY..	WILLIAM C. REID	Roswell.
NEW YORK	HENRY D. ESTABROOK ..	New York.
NORTH CAROLINA	WILLIAM P. BYNUM ...	Greensboro.
NORTH DAKOTA	ANDREW A. BRUCE	Grand Forks.

OHIO	FRANCIS B. JAMES	Cincinnati.
OKLAHOMA	J. R. KEATON	Oklahoma City.
OREGON	CHARLES J. SCHNABEL ..	Portland.
PENNSYLVANIA	W. U. HENSEL	Lancaster.
PORTO RICO	MANUEL ROD. SERRA ...	San Juan.
RHODE ISLAND	AMASA M. EATON	Providence.
SOUTH CAROLINA	T. M. MORDECAI	Charleston.
SOUTH DAKOTA	JOHN H. VOORHEES	Sioux Falls.
TENNESSEE	ALBERT W. BIGGS	Memphis.
TEXAS	ROBERT E. LEE SANER..	Dallas.
UTAH	CHARLES S. VARIAN ...	Salt Lake City.
VERMONT	WALLACE BATCHELDER ..	Bethel.
VIRGINIA	S. GRIFFIN	Bedford City.
WASHINGTON	CHAS. E. SHEPARD	Seattle.
WEST VIRGINIA	D. J. F. STROTHER	Welch.
WISCONSIN	LYMAN J. NASH	Manitowoc.
WYOMING	CHARLES W. BURDICK ..	Cheyenne.

VICE-PRESIDENTS
AND
MEMBERS OF LOCAL COUNCILS

ELECTED 1911

ALABAMA.

Vice-President, **GEORGE P. HARRISON**Opelika.
Local Council, **LAWRENCE COOPER**Huntsville.
GASTON GUNTERMontgomery.

ALASKA TERRITORY.

Vice-President, **CHARLES E. CLAYPOOL**Fairbanks.
Local Council, **S. H. REID**Fairbanks.
W. T. BEEKSValdez.

ARIZONA TERRITORY.

Vice-President, **EVERETT E. ELLINWOOD**Bisbee.
Local Council, **EDWARD KENT**Phoenix.
JOHN MASON ROSSPrescott.
FRANK COXPhoenix.
PAUL BURKSPrescott.
ROBERT E. MORRISONPrescott.

ARKANSAS.

Vice-President, **ASHLEY COCKRILL**Little Rock.
Local Council, **JOSEPH M. STAYTON**Newport.
W. H. ARNOLDTexarkana.
F. A. YOUMANSFort Smith.
C. T. COLEMANLittle Rock.
GEORGE B. ROSELittle Rock.

CALIFORNIA.

Vice-President, **GEORGE J. DENIS**Los Angeles.
Local Council, **CURTIS H. LINDLEY**San Francisco.
E. W. BRITTLos Angeles.
JEFFERSON P. CHANDLER ..Los Angeles.
H. L. TITUSSan Diego.
WALTER R. LEEDSLos Angeles.
GURNEY E. NEWLINLos Angeles.

COLORADO.

Vice-President, CASS E. HERRINGTONDenver.
Local Council, PLATT ROGERSDenver.
CHARLES D. HAYTDenver.
HENRY F. MAYDenver.
FRANK E. GOVEDenver.
CLYDE C. DAWSONDenver.
JOHN D. FLEMINGBoulder.

CONNECTICUT.

Vice-President, GEORGE D. WATROUSNew Haven.
Local Council, WILLIAM A. WRIGHTNew Haven.
SEYMOUR C. LOOMISNew Haven.
GEORGE E. BEERSNew Haven.
EDWIN B. GAGERDerby.
EDWARD A. HARRIMANNew Haven.

DELAWARE.

Vice-President, EDWARD G. BRADFORDWilmington.
Local Council, WILLARD SAULSBURYWilmington.

DISTRICT OF COLUMBIA.

Vice-President, J. NOTA MCGILL.....Washington.
Local Council, CHAPIN BROWNWashington.
HENRY E. DAVISWashington.
JOSEPH R. EDSONWashington.
MELVILLE CHURCHWashington.
CHARLES C. TUCKERWashington.
HENRY H. GLASSIEWashington.
WALTER C. CLEPHANEWashington.
WILLIAM W. DODGEWashington.
WALTER S. PENFIELDWashington.
FRANK J. HOGANWashington.

FLORIDA.

Vice-President, WILLIAM A. BLOUNTPensacola.
Local Council, WILLIAM HUNTERTampa.
ROBERT E. DAVISGainesville.
AUGUSTUS V. LONGStark.
A. W. COCKRELL, JR.Jacksonville.
GEORGE C. BEDELLJacksonville.
JOHN C. AVERYPensacola.

GEORGIA.

Vice-President, SAMUEL B. ADAMSSavannah.
 Local Council, JOSEPH H. MERRILL Thomasville.
 P. W. MELDRIMSavannah.
 ALEX. W. SMITHAtlanta.
 W. A. WIMBISHAtlanta.
 GEO. W. OWENSSavannah.
 HENRY R. GOETCHIUSColumbus.
 ERNEST C. KONTZAtlanta.
 JOHN L. TYEAtlanta.

HAWAII TERRITORY.

Vice-President, WILLIAM R. CASTLEHonolulu.
 Local Council, WILLIAM O. SMITHHonolulu.
 LYLE A. DICKEYHonolulu.

IDAHO.

Vice-President, FRANK S. DIETRICHBoise.
 Local Council, JAMES E. BABBLewiston.
 OLIVER O. HAGABoise.
 EUGENE A. COXLewiston.
 JAMES H. HAWLEYBoise.

ILLINOIS.

Vice-President, EDWARD O. BROWNChicago.
 Local Council, THOMAS WORTHINGTONJacksonville.
 CHARLES V. MILESPeoria.
 E. A. BANCROFTChicago.
 SIGMUND ZEISLERChicago.

INDIANA.

Vice-President, DANIEL FRASERFowler.
 Local Council, S. O. PICKENSIndianapolis.
 MERRILL MOORESIndianapolis.
 AUGUSTIN BOICEIndianapolis.
 ROBERT S. TAYLORFort Wayne.
 CHARLES L. JEWETTNew Albany.

IOWA.

Vice-President, JAMES O. CROSBYGarnavillo.
 Local Council, JOHN E. CRAIGKeokuk.
 JOHN DEERYDubuque.
 M. C. MATTHEWSDubuque.
 CHARLES A. DUDLEYDes Moines.
 EDWARD B. EVANSDes Moines.

KANSAS.

Vice-President, EARL W. EVANSWichita.
 Local Council, WM. EASTON HUTCHISON .. Garden City.
 MAURICE L. ALDENKansas City.
 CHARLES L. KAGEYBeloit.
 W. L. BURDICKLawrence.

KENTUCKY.

Vice-President, JOHN B. BASKINLouisville.
 Local Council, W. A. BERRYPaducah.
 PERCY N. BOOTHLouisville.
 C. C. HIEATTLouisville.
 EDWARD W. HINESLouisville.
 J. D. MOCQUOTPaducah.
 W. M. REEDPaducah.
 HENRY L. STONELouisville.
 JOHN G. TOMLINWalton.
 EDMUND F. TRABUELouisville.

LOUISIANA.

Vice-President, JOHN F. C. WALDONew Orleans.
 Local Council, JOSEPH W. CARROLLNew Orleans.
 HENRY J. CARTERNew Orleans.
 HENRY P. DART, JR.....New Orleans.
 W. O. HARTNew Orleans.
 MONTE E. LEMANNNew Orleans.
 EDWARD T. MERRICKNew Orleans.
 R. L. TULLISBaton Rouge.
 F. E. RAINOLDNew Orleans.
 FRANK P. STUBBES, JR.Monroe.
 J. R. THORNTONAlexandria.
 ISAAC D. WALLBaton Rouge.

MAINE.

Vice-President, ISAAC W. DYERPortland.
 Local Council, FRANK M. HIGGINSLimerick.
 WM. M. INGRAHAMPortland.
 NORMAN L. BASSETTAugusta.
 WM. M. BRADLEYPortland.
 WILFORD G. CHAPMANPortland.
 LEWIS A. BURLEIGHAugusta.
 F. V. MATTHEWSPortland.

MARYLAND.

Vice-President, THOMAS J. MORRISBaltimore.
Local Council, ALFRED S. NILESBaltimore.
BENJAMIN A. RICHMONDCumberland.
JOHN HINKLEYBaltimore.
ALBERT C. RITCHIEBaltimore.

MASSACHUSETTS.

Vice-President, ALFRED HEMENWAYBoston.
Local Council, W. L. PUTNAMBoston.
CHARLES B. BARNES, JR.Boston.
LEE M. FRIEDMANBoston.
RICHARD W. IRWINNorthampton.
GEORGE LEMIST CLARKE ...Boston.
RICHARD W. HALEBoston.
JOHN LOWELLBoston.

MICHIGAN.

Vice-President, GEORGE W. BATESDetroit.
Local Council, CYRENIUS P. BLACKLansing.
HENRY M. BATESAnn Arbor.
HENRY M. CAMPBELLDetroit.
CHARLES M. WOODRUFFDetroit.

MINNESOTA.

Vice-President, JAMES D. SHEARERMinneapolis.
Local Council, HENRY A. MORGANAlbert Lea.
A. H. BRIGHTMinneapolis.
WALTER L. CHAPINSt. Paul.

MISSISSIPPI.

Vice-President, JOHN M. ALLENTupelo.
Local Council, D. W. HOUSTONAberdeen.
C. H. ALEXANDERJackson.
A. W. SHANDSSardis.
A. T. STOVALLOkolona.
ROBERT N. MILLERHazlehurst.

MISSOURI.

Vice-President, F. N. JUDSONSt. Louis.
 Local Council, JAMES ELLISONKansas City.
 JOHN D. LAWSONColumbia.
 HUGH K. WAGNERSt. Louis.
 E. C. KEHRSt. Louis.
 THOMAS PIERCESt. Louis.
 SELDEN P. SPENCERSt. Louis.
 E. W. PATTISONSt. Louis.
 SENECA N. TAYLORSt. Louis.
 WM. G. CURTISSt. Louis.
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 Balliet, Andrew J., Seattle, Wash.
 Ballinger, Harry, Seattle, Wash.

- Ballinger, Richard A., Seattle, Wash.
 Ballou, Daniel R., Providence, R. I.
 Bamberger, Ira Leo, New York, N. Y.
 Bancker, Enoch, Jackson, Mich.
 Bancroft, Edgar A., Chicago, Ill.
 Bancroft, Hugh, Boston, Mass.
 Banga, Francis S., New York, N. Y.
 Bangs, Frederick A., Chicago, Ill.
 Bangs, George A., Grand Forks, N. D.
 Bangs, Tracy R., Grand Forks, N. D.
 Banks, Lemuel, Memphis, Tenn.
 Banton, Joab H., New York, N. Y.
 Barber, Arthur William, New York, N. Y.
 Barber, Charles, Oshkosh, Wis.
 Barber, Orion M., Bennington, Vt.
 Barbour, John S., Fairfax, Va.
 Barclay, Henry Augustus, Los Angeles, Cal.
 Barclay, Shepard, St. Louis, Mo.
 Barlow, Burt E., Coldwater, Mich.
 Barnard, Ralph P., Washington, D. C.
 Barnes, Albert C., Chicago, Ill.
 Barnes, Charles B., Jr., Boston, Mass.
 Barnes, John B., Norfolk, Neb.
 Barnes, John Hampton, Philadelphia, Pa.
 Barnes, Jonathan, Springfield, Mass.
 Barnett, James F., Grand Rapids, Mich.
 Barnett, Otto R., Chicago, Ill.
 Barney, C. R., Seattle, Wash.
 Barney, Charles Neal, Lynn, Mass.
 Barney, Walter H., Providence, R. I.
 Barret, Thomas C., Shreveport, La.
 Barrett, Henry R., White Plains, N. Y.
 Barrett, James M., Fort Wayne, Ind.
 Barrette, William J., Salt Lake City, Utah.
 Barroll, Hope H., Chestertown, Md.
 Barron, Charles H., Columbia, S. C.
 Barrows, Chester W., Providence, R. I.
 Barrows, Morton, St. Paul, Minn.
 Barry, Edmund D., Los Angeles, Cal.
 Barry, Herbert, New York, N. Y.
 Bartels, Gustave C., Denver, Col.
 Barthell, Edward E., Nashville, Tenn.
 Bartholomew, Pliny W., Indianapolis, Ind.
 Bartholomew, William T., San Angelo, Tex.
 Bartlett, Charles L., Macon, Ga.
 Bartlett, Charles M., Boston, Mass.
 Bartlett, Edmund M., Omaha, Neb.
 Bartlett, J. Kemp, Baltimore, Md.
 Bartlett, John P., New York, N. Y.
 Bartlett, Ralph Sylvester, Boston, Mass.
 Bartlett, William Pitt, Eau Claire, Wis.
 Bartley, Charles Earle, Chicago, Ill.
 Barton, George P., Chicago, Ill.
 Barton, Jesse M., Newport, N. H.
 Barton, R. M., Jr., Memphis, Tenn.
 Barton, Randolph, Baltimore, Md.
 Baskin, John B., Louisville, Ky.
 Bass, Frank M., Nashville, Tenn.
 Bassett, J. Colby, Boston, Mass.
 Bassett, Norman L., Augusta, Me.
 Batchelder, Wallace, Bethel, Vt.
 Batchelor, George H., Indianapolis, Ind.
 Bates, Charles W., St. Louis, Mo.
 Bates, George W., Detroit, Mich.
 Bates, Henry M., Ann Arbor, Mich.
 Bates, John Lewis, Boston, Mass.
 Battle, Alfred, Seattle, Wash.
 Battle, George Gordon, New York, N. Y.
 Bausman, Frederick, Seattle, Wash.
 Baxter, E. J., Jonesboro, Tenn.
 Baxter, Irving F., Omaha, Neb.
 Baxter, John T., Minneapolis, Minn.
 Baxter, Luther L., Fergus Falls, Minn.
 Baxter, Sloss D., Nashville, Tenn.
 Baya, Harry P., Tampa, Fla.
 Bayard, James Wilson, Philadelphia, Pa.
 Beach, John K., New Haven, Conn.
 Beach, Myron H., Chicago, Ill.
 Beal, James H., Pittsburg, Pa.
 Beale, Charles W., Wallace, Ida.
 Beale, Joseph Henry, Cambridge, Mass.
 Beale, William G., Chicago, Ill.
 Beall, Thomas Settle, Greensboro, N. C.
 Bean, Robert S., Portland, Ore.
 Bearden, Walter S., Shelbyville, Tenn.
 Beardsley, Arthur L., Glenwood Springs, Col.
 Beardsley, Morris B., Bridgeport, Conn.
 Beardsley, Samuel A., New York, N. Y.
 Beattie, Fountain F., Greenville, S. C.
 Beattie, Taylor, Thibodaux, La.
 Beaumont, John W., Detroit, Mich.
 Bechhoefer, Charles, St. Paul, Minn.
 Beck, George F., St. Louis, Mo.
 Beck, James M., New York, N. Y.
 Beckwith, S. Vilas, New York, N. Y.
 Bedell, George C., Jacksonville, Fla.
 Bedford, George R., Wilkes-Barre, Pa.
 Bedford, J. Claude, Philadelphia, Pa.
 Beeber, Dimner, Philadelphia, Pa.
 Beckman, Charles K., New York, N. Y.
 Beeler, Joseph G., North Platte, Neb.
 Beers, George E., New Haven, Conn.
 Begg, William Reynolds, New York, N. Y.
 Bell, B. D., Gallatin, Tenn.
 Bell, Charles, Herkimer, N. Y.
 Bell, Charles U., Andover, Mass.

Bell, Clark, New York, N. Y.
 Bell, James D., Brooklyn, N. Y.
 Bell, John C., Philadelphia, Pa.
 Bell, Joseph O., Trinidad, Col.
 Bell, T. F., Shreveport, La.
 Bell, W. P., Everett, Wash.
 Belt, William O., Chicago, Ill.
 Bemis, Harry E., Milwaukee, Wis.
 Benedict, Abraham, New York, N. Y.
 Benedict, Edward G., New York, N. Y.
 Benet, Christie, Columbia, S. C.
 Bennet, William S., New York, N. Y.
 Bennett, David C., Jr., New York, N. Y.
 Bennett, Edmon G., Denver, Col.
 Bennett, Samuel C., Boston, Mass.
 Benson, J. O., Chattanooga, Tenn.
 Bentley, Cyrus, Chicago, Ill.
 Benton, O. E., Fort Scott, Kan.
 Berenson, Arthur, Boston, Mass.
 Bergen, James J., Somerville, N. J.
 Bergen, Tunis G., New York, N. Y.
 Bernard, Richard, Baltimore, Md.
 Bernard, Silas G., Asheville, N. C.
 Bernstein, Alexander, Portland, Ore.
 Berry, W. Alvin, Paducah, Ky.
 Berry, Walter V. R., Washington, D. C.
 Bertolette, Frederick, Mauch Chunk, Pa.
 Best, James L., Minneapolis, Minn.
 Bettman, Alfred, Cincinnati, Ohio.
 Bickford, Walter M., Butte, Mont.
 Biddle, Charles, Philadelphia, Pa.
 Bierer, A. G. Curtin, Guthrie, Okla.
 Bigelow, Albert F., Boston, Mass.
 Bigelow, Cleveland, Boston, Mass.
 Bigelow, William Reed, Boston, Mass.
 Biggs, Albert W., Memphis, Tenn.
 Biggs, J. Crawford, Durham, N. C.
 Bijur, Nathan, New York, N. Y.
 Bill, Albert O., Hartford, Conn.
 Billings, Charles L., Chicago, Ill.
 Billingsley, N. B., Lisbon, Ohio.
 Bingham, James, Indianapolis, Ind.
 Bingham, Norman W., Jr., Boston, Mass.
 Bingham, Robert W., Louisville, Ky.
 Binney, Charles Chauncey, Philadelphia, Pa.
 Binney, Harold, New York, N. Y.
 Bird, George E., Portland, Me.
 Birdzell, Luther E., Grand Forks, N. D.
 Bisbee, Horatio, Jacksonville, Fla.
 Bisbee, Ralph, New York, N. Y.
 Bischoff, Henry, Jr., New York, N. Y.
 Bishop, Elias B., Boston, Mass.
 Bishop, James L., New York, N. Y.
 Bishop, John E., St. Louis, Mo.

Bissell, Frederick O., Buffalo, N. Y.
 Bissell, John H., Detroit, Mich.
 Black, Arthur G., Kansas City, Mo.
 Black, Cyrenius P., Lansing, Mich.
 Blackburn, Thomas W., Omaha, Neb.
 Blackmur, Paul R., Boston, Mass.
 Blackwood, John W., Little Rock, Ark.
 Blaine, Elbert F., Seattle, Wash.
 Blair, Albert, St. Louis, Mo.
 Blair, Henry P., Washington, D. C.
 Blair, Jesse H., Indianapolis, Ind.
 Blair, John S., Washington, D. C.
 Blair, Jos. Paxton, New Orleans, La.
 Blake, Freeman K., Chicago, Ill.
 Blake, James Kingsley, New Haven, Conn.
 Blake, John J., Boise, Ida.
 Blakeley, William A., Pittsburg, Pa.
 Blanchard, Cyrus N., Wilton, Me.
 Blanchard, James A., New York, N. Y.
 Blanchard, John, Bellefonte, Pa.
 Bland, Henry Willis, Reading, Pa.
 Blandy, Charles, New York, N. Y.
 Bledsoe, S. T., Guthrie, Okla.
 Blevins, John A., St. Louis, Mo.
 Blodgett, Edward E., Boston, Mass.
 Blodgett, Henry W., St. Louis, Mo.
 Blood, Charles H., Fitchburg, Mass.
 Blood, James H., Denver, Col.
 Bloodgood, Francis, Jr., Milwaukee, Wis.
 Blount, William A., Pensacola, Fla.
 Blymyer, William H., New York, N. Y.
 Boardman, Samuel W., Jr., Newark, N. J.
 Boarman, Aleck, Shreveport, La.
 Boatner, Mark M., New Orleans, La.
 Boesche, Herman G., Omaha, Neb.
 Bogert, Henry L., New York, N. Y.
 Bogle, W. H., Seattle, Wash.
 Bohlen, Francis H., Philadelphia, Pa.
 Bohmrich, Louis G., Milwaukee, Wis.
 Boice, Augustin, Indianapolis, Ind.
 Bollinger, James Wills, Davenport, Iowa.
 Bolster, Percy G., Boston, Mass.
 Bomar, Horace L., Spartanburg, S. C.
 Bomberger, Loudon L., Hammond, Ind.
 Bonaparte, Charles J., Baltimore, Md.
 Bond, Carroll T., Baltimore, Md.
 Bond, Chester G., Jackson, Tenn.
 Bond, Lawrence, Boston, Mass.
 Bond, Samuel R., Washington, D. C.
 Bond, Sterling P., St. Louis, Mo.
 Bond, Thomas, St. Louis, Mo.
 Bond, Thomas L., Salina, Kan.
 Bond, Walter Huntingdon, New York, N. Y.
 Boner, W. W., Aberdeen, Wash.

- Bonham, Milledge L., Anderson, S. C.
 Bonson, Robert, Dubuque, Iowa.
 Bonyng, Robert W., Denver, Col.
 Booth, Percy N., Louisville, Ky.
 Booth, Walter C., New York, N. Y.
 Booth, Wilbur F., Minneapolis, Minn.
 Boothby, John William, New York, N. Y.
 Borah, William E. (Washington, D. C.),
 Boise, Ida.
 Borchering, Charles, Newark, N. J.
 Borchert, Herman, New York, N. Y.
 Borland, William P., Kansas City, Mo.
 Bosard, Robert H., Minot, N. D.
 Boston, Charles A., New York, N. Y.
 Boston, John Guyton, New York, N. Y.
 Bostwick, William M., Jr., Jacksonville,
 Fla.
 Bosworth, Charles Wilder, Springfield,
 Mass.
 Bosworth, Orrin L., Bristol, R. I.
 Botsford, James S., Kansas City, Mo.
 Bouck, Francis E., Leadville, Col.
 Boudeman, Dallas, Kalamazoo, Mich.
 Bourne, Louis M., Asheville, N. C.
 Bouvier, John Vernon, Jr., New York,
 N. Y.
 Bowen, Adna G., Medina, N. Y.
 Bowen, Arthur M., Twin Falls, Ida.
 Bowen, William A., Los Angeles, Cal.
 Bowen, Wm. M. P., Providence, R. I.
 Bowers, E. J., Gulfport, Miss.
 Bowers, James W., Jr., Baltimore, Md.
 Bowersock, Justin D., Kansas City, Mo.
 Bowman, Henry H., New York, N. Y.
 Bowman, Noah L., Garnett, Kan.
 Boyd, A. Hunter, Cumberland, Md.
 Boyd, Clarence T., Nashville, Tenn.
 Boyd, James Harrington, Toledo, Ohio.
 Boyle, John Wellington, Utica, N. Y.
 Boys, William H., Streator, Ill.
 Bozeman, Albert S., Meridian, Miss.
 Bracken, Francis B., Philadelphia, Pa.
 Bradbury, James O., Saco, Me.
 Bradford, Edward G., Wilmington, Del.
 Bradford, Ernest W., Washington, D. C.
 Bradley, William M., Portland, Me.
 Bradshaw, De E., Little Rock, Ark.
 Bradshaw, George Sam., Greensboro,
 N. C.
 Brady, Arthur W., Anderson, Ind.
 Brady, George Moore, Baltimore, Md.
 Brady, J. W., Bartow, Fla.
 Brady, P. J., Cleveland, Ohio.
 Braley, Henry K., Boston, Mass.
 Branch, Lee W., Quitman, Ga.
 Branch, Oliver E., Manchester, N. H.
 Brandeis, Albert S., Louisville, Ky.
 Brandeis, Louis D., Boston, Mass.
 Brandon, Morris, Atlanta, Ga.
 Brandt, Emil J., Seattle, Wash.
 Brann, Henry A., New York, N. Y.
 Brannan, Joseph Doddridge, Cambridge,
 Mass.
 Brannon, W. W., Weston, W. Va.
 Brantley, Theodore, Helena, Mont.
 Brantly, William T., Baltimore, Md.
 Bratton, William A., Marlinton, W. Va.
 Braxton, A. C., Richmond, Va.
 Brayton, Israel, Fall River, Mass.
 Breathitt, James, Frankfort, Ky.
 Breaux, Joseph A., New Orleans, La.
 Breckenridge, Ralph W., Omaha, Neb.
 Breed, William C., New York, N. Y.
 Breen, William F., Fort Wayne, Ind.
 Bremer, Clifton L., Boston, Mass.
 Brennan, John F., Yonkers, N. Y.
 Brennan, Robert, Des Moines, Iowa.
 Brewer, Daniel Chauncey, Boston, Mass.
 Brewster, George R., Newburgh, N. Y.
 Brewster, James H., Ann Arbor, Mich.
 Brice, Albert G., New Orleans, La.
 Bridgers, John L., Tarboro, N. C.,
 Bridges, J. B., Aberdeen, Wash.
 Briggs, Asa G., St. Paul, Minn.
 Briggs, Charles G., Portland, Me.
 Bright, Alfred H., Minneapolis, Minn.
 Bright, Michael S., Duluth, Minn.
 Brimmer, George E., Rawlins, Wyo.
 Briscoe, Charles H., Hartford, Conn.
 Briscoe, John P., Prince Frederick, Md.
 Bristol, William C., Portland, Ore.
 Britt, E. W., Los Angeles, Cal.
 Britt, Philip J., New York, N. Y.
 Britton, Alexander, Washington, D. C.
 Britton, Ray F., St. Louis, Mo.
 Brizzolara, James, Fort Smith, Ark.
 Brock, Charles E., Washington, D. C.
 Brock, Charles R., Denver, Col.
 Brock, Lee, Nashville, Tenn.
 Brockett, Orlando Mitchell, Des Moines,
 Iowa.
 Brodek, Charles A., New York, N. Y.
 Brogan, Francis A., Omaha, Neb.
 Bromberg, Frederick G., Mobile, Ala.
 Brome, Harrison C., Omaha, Neb.
 Bronson, Harrison A., Grand Forks, N. D.
 Bronson, Ira, Seattle, Wash.
 Bronson, Nathaniel R., Waterbury, Conn.
 Brooks, Aubrey, L., Greensboro, N. C.
 Brooks, C. H., Wichita, Kan.

- Brooks, Frank C., Minneapolis, Minn.
 Brooks, Franklin E., Colorado Springs, Col.
 Brooks, J. W., Walla Walla, Wash.
 Brooks, James B., Syracuse, N. Y.
 Brosmith, William, Hartford, Conn.
 Broussard, Robert F., New Iberia, La.
 Brown, Addison, Cragmoor, N. Y.
 Brown, Carl Stedman, New York, N. Y.
 Brown, Chapin, Washington, D. C.
 Brown, Charles A., Chicago, Ill.
 Brown, Charles W., Rapid City, S. D.
 Brown, Edward Osgood, Chicago, Ill.
 Brown, Eli Houston, Jr., Frankfort, Ky.
 Brown, Elon R., Watertown, N. Y.
 Brown, Foster V., Chattanooga, Tenn.
 Brown, Francis Shunk, Philadelphia, Pa.
 Brown, Fred. W., Boston, Mass.
 Brown, Frederick V., Seattle, Wash.
 Brown, Hugh H., Tonopah, Nev.
 Brown, J. Hay, Lancaster, Pa.
 Brown, James H., Denver, Col.
 Brown, John A., Philadelphia, Pa.
 Brown, John Douglass, Philadelphia, Pa.
 Brown, Lawrence E., Scottsboro, Ala.
 Brown, Leslie L., Winona, Minn.
 Brown, Melville C., Laramie, Wyo.
 Brown, Neal, Wausau, Wis.
 Brown, Paul, Chicago, Ill.
 Brown, R. A., St. Joseph, Mo.
 Brown, Rome G., Minneapolis, Minn.
 Brown, Selden S., Rochester, N. Y.
 Brown, Taylor E., Chicago, Ill.
 Brown, W. W., Parsons, Kan.
 Browne, Aldis B., Washington, D. C.
 Browne, Arthur S., Washington, D. C.
 Browne, E. Wayles, Shreveport, La.
 Brownell, Edward L., Providence, R. I.
 Brownson, Robert M., Pontiac, Mich.
 Bruce, Andrew A., Grand Forks, N. D.
 Bruce, Charles M., Boston, Mass.
 Bruce, Edward B., Manila, P. I.
 Bruce, Helm, Louisville, Ky.
 Bruenn, Bernard, New Orleans, La.
 Brundage, Edward J., Chicago, Ill.
 Brunini, John B., Vicksburg, Miss.
 Bruno, Richard M., New York, N. Y.
 Brunot, H. F., Baton Rouge, La.
 Bryan, Charles M., Memphis, Tenn.
 Bryan, George, Richmond, Va.
 Bryan, Nathan P., Jacksonville, Fla.
 Bryan, P. Taylor, St. Louis, Mo.
 Bryant, William H., Denver, Col.
 Bryson, Herbert O., Walla Walla, Wash.
 Bryson, Joseph M., St. Louis, Mo.
 Buchanan, A. S., Memphis, Tenn.
 Buchanan, James, Trenton, N. J.
 Buck, Charles Francis, New Orleans, La.
 Buck, Gordon M., New York, N. Y.
 Buckbee, Monmouth S., White Plains, N. Y.
 Buckingham, George T., Chicago, Ill.
 Buckman, Henry H., Jacksonville, Fla.
 Budd, Henry, Philadelphia, Pa.
 Buder, Gustavus A., St. Louis, Mo.
 Buder, Oscar E., St. Louis, Mo.
 Buffington, Edwin D., Stillwater, Minn.
 Buffington, George W., Minneapolis, Minn.
 Buffum, Walter N., Boston, Mass.
 Buist, Henry Charleston, S. C.
 Bulkley, Harry Conant, Detroit, Mich.
 Bullitt, Joshua F., Big Stone Gap, Va.
 Bullitt, William Marshall, Louisville, Ky.
 Bullock, A. G., Worcester, Mass.
 Bullowa, Ferdinand E. M., New York, N. Y.
 Bundy, McGeorge, Grand Rapids, Mich.
 Bunn, Charles W., St. Paul, Minn.
 Bunn, Clinton O., Oklahoma City, Okla.
 Bunn, Fred. A., New York, N. Y.
 Bunn, George L., St. Paul, Minn.
 Bunn, John Marshall, Spokane, Wash.
 Buntin, W. Allison, Nashville, Tenn.
 Burch, Charles N., Memphis, Tenn.
 Burchard, John E., St. Paul, Minn.
 Burd, George B., Buffalo, N. Y.
 Burdett, Everett W., Boston, Mass.
 Burdick, Charles W., Cheyenne, Wyo.
 Burdick, Francis M., New York, N. Y.
 Burdick, William Livesey, Lawrence, Kan.
 Burger, Louis J., Baltimore, Md.
 Burges, William H., El Paso, Tex.
 Burke, Charles E., Pittsfield, Mass.
 Burke, Francis, Boston, Mass.
 Burke, John Henry, Ballston Spa., N. Y.
 Burke, Thomas, Seattle, Wash.
 Burke, Thomas C., Buffalo, N. Y.
 Burke, Timothy F., Cheyenne, Wyo.
 Burket, Harlan F., Findlay, Ohio.
 Burks, Paul, Prescott, Ariz. Ter.
 Burleigh, Alvin, Plymouth, N. H.
 Burleigh, Lewis A., Augusta, Me.
 Burlingham, Charles C., New York, N. Y.
 Burnett, William H., Philadelphia, Pa.
 Burnham, Addison C., Boston, Mass.
 Burnham, Telford, Chicago, Ill.
 Burr, Stiles W., St. Paul, Minn.
 Burr, William P., New York, N. Y.
 Burrage, Albert C., Boston, Mass.

- Burroughs, Benjamin R., Edwardsville, Ill.
 Burry, William, Chicago, Ill.
 Burton, John W., Arcadia, Fla.
 Burt, Joseph Beatty, Chicago, Ill.
 Burwell, Benjamin F., Oklahoma City, Okla.
 Bushnell, T. H., Cleveland, Ohio.
 Butler, Charles Henry (Washington, D. C.), New York, N. Y.
 Butler, Frank W., Farmington, Me.
 Butler, Fred E., Lewiston, Ida.
 Butler, Fred. W., Jacksonville, Fla.
 Butler, Frederick, M., Rutland, Vt.
 Butler, Harry L., Madison, Wis.
 Butler, Hugh, Denver, Col.
 Butler, Noble C., Indianapolis, Ind.
 Butler, Pierce, St. Paul, Minn.
 Butler, Rush C., Chicago Ill.
 Butler, William Allen, Jr., New York, N. Y.
 Button, William H., New York, N. Y.
 Buxton, John Cameron, Winston-Salem, N. C.
 Byard, James J., Jr., Cooperstown, N. Y.
 Byers, Alpheus, Seattle, Wash.
 Byers, I. W., Iron River, Mich.
 Bynum, William P., Greensboro, N. C.
 Byrne, James, New York, N. Y.
 Byrnes, Daniel, Chicago, Ill.
 Cabaniss, E. H., Birmingham, Ala.
 Cabell, P. H. C., Richmond, Va.
 Cable, D. J., Lima, Ohio.
 Cabot, Frederick Pickering, Boston, Mass.
 Cadwalader, John, Philadelphia, Pa.
 Cadwalader, John L., New York, N. Y.
 Cady, Daniel L., New York, N. Y.
 Cage, Milton G., Boise, Ida.
 Cahn, Edgar M., New Orleans, La.
 Cahn, William L., New York, N. Y.
 Cahoone, Richards Mott, Brooklyn, N. Y.
 Cain, Stith M., Nashville, Tenn.
 Caldwell, Waller C., Trenton, Tenn.
 Calhoun, C. C. (Washington, D. C.), Lexington, Ky.
 Calhoun, Patrick, New York, N. Y.
 Calhoun, Scott, Seattle, Wash.
 Calhoun, William J., Chicago, Ill.
 Call, Joseph H., Los Angeles, Cal.
 Callahan, James P. H., Hoquiam, Wash.
 Callaway, Frank E., Atlanta, Ga.
 Calvert, Cleon K., Hyden, Ky.
 Calwell, James S., Baltimore, Md.
 Cameron, Frederick W., Albany, N. Y.
 Cameron, Robert Thomas, Chattanooga, Tenn.
 Cameron, Winfield S., Jamestown, N. Y.
 Camp, E. C., Knoxville, Tenn.
 Campbell, Altes H., Iola, Kan.
 Campbell, Angus G., DeFuniak Springs, Fla.
 Campbell, Charles H., Detroit, Mich.
 Campbell, Frederick B., New York, N. Y.
 Campbell, Henry M., Detroit, Mich.
 Campbell, Ira A., San Francisco, Cal.
 Campbell, J. J., Pittsburg, Kan.
 Campbell, John, Denver, Col.
 Campbell, Lemuel R., Nashville, Tenn.
 Campbell, Norman M., Colorado Springs, Col.
 Campbell, Robert B., Greenville, Miss.
 Canada, J. W., Memphis, Tenn.
 Canaday, Walter, Marshalltown, Iowa.
 Canfield, George F., New York, N. Y.
 Canfield, H. W., Spokane, Wash.
 Cann, J. Ferris, Savannah, Ga.
 Canning, John E., Providence, R. I.
 Cannon, Austin V., Cleveland, Ohio.
 Cannon, E. J., Spokane, Wash.
 Cant, William A. Duluth Minn.
 Cantrell, Deaderick H., Little Rock, Ark.
 Cantrell, John H., Chattanooga, Tenn.
 Cantwell, William W., New York, N. Y.
 Capen, Charles L., Bloomington, Ill.
 Cardozo, Ernest A., New York, N. Y.
 Carey, Charles H., Portland, Ore.
 Carey, Francis K., Baltimore, Md.
 Carey, Martin, New York, N. Y.
 Carleton, Philip Greenleaf, Boston, Mass.
 Carlisle, John N., Watertown, N. Y.
 Carmichael, J. D., Chickasha, Okla.
 Carinichael, J. H., Little Rock, Ark.
 Carmouche, W. J., Crowley, La.
 Carpenter, George A., Chicago, Ill.
 Carpenter, George H., Liberty, N. Y.
 Carpenter, James Emerson, New York, N. Y.
 Carpenter, Samuel L., Los Angeles, Cal.
 Carpenter, W. H., Marion, Kan.
 Carpenter, William L., Detroit, Mich.
 Carr, E. M., Manchester, Iowa.
 Carr, E. M., Seattle, Wash.
 Carr, James A., St. Louis, Mo.
 Carroll, Charles, New Orleans, La.
 Carroll, Francis M., Boston, Mass.
 Carroll, Joseph Wheadon, New Orleans, La.
 Carroll, William H., Memphis, Tenn.
 Carrow, Howard, Camden, N. J.

- Carson, Hampton L., Philadelphia, Pa.
 Carter, Frank W., St. Louis, Mo.
 Carter, H. C., San Antonio, Tex.
 Carter, Henry J., New Orleans, La.
 Carter, Henry W., Chicago, Ill.
 Carter, Jacob M., Texarkana, Ark.
 Carter, Jarvis P., New York, N. Y.
 Carter, Orrin N., Chicago, Ill.
 Carter, William A., Tampa, Fla.
 Carton, John J., Flint, Mich.
 Caruthers, Allen, New York, N. Y.
 Carver, Eugene P., Boston, Mass.
 Carver, F. J., Seattle, Wash.
 Carver, M. H., Natchitoches, La.
 Cary, Alfred L., Milwaukee, Wis.
 Cary, Robert J., Chicago, Ill.
 Case, Birdsey E., Hartford, Conn.
 Case, Daniel H., Wailuku, Hawaii.
 Casgrain, Charles W., Detroit, Mich.
 Cash, Daniel G., Duluth, Minn.
 Castle, Alfred L., Honolulu, Hawaii.
 Castle, William R., Honolulu, Hawaii.
 Cates, Charles T., Jr., Knoxville, Tenn.
 Caton, James R., Alexandria, Va.
 Catron, Thomas B., Santa Fé, N. M.
 Cavanagh, B. J., Des Moines, Iowa.
 Cavanah, Charles C., Boise, Ida.
 Cavender, Charles, Leadville, Col.
 Chadbourn, William M., New York, N. Y.
 Chadbourne, Thomas L., Houghton, Mich.
 Chadwick, Stephen J., Olympia, Wash.
 Chaffe, David B. H., New Orleans, La.
 Chamberlain, Albert Henry, Boston, Mass.
 Chamberlain, George E., Portland, Ore.
 Chamberlayne, Charles F., Schenectady, N. Y.
 Chamberlin, Frederic E., Bayonne, N. J.
 Chambers, Francis T., Philadelphia, Pa.
 Chambliss, Alexander W., Chattanooga, Tenn.
 Chamlee, George W., Chattanooga, Tenn.
 Chancellor, Justus, Chicago, Ill.
 Chandler, Albert Minot, Boston, Mass.
 Chandler, Alfred D., Boston, Mass.
 Chandler, Eli H., Atlantic City, N. J.
 Chandler, Jefferson, Los Angeles, Cal.
 Chandler, Joseph H., Chicago, Ill.
 Chandler, Walter M., New York, N. Y.
 Chandler, William E., Concord, N. H.
 Chanler, Lewis Stuyvesant, New York, N. Y.
 Channing, Henry Morse, Boston, Mass.
 Chapin, Walter L., St. Paul, Minn.
 Chapman, S. Spencer, Philadelphia, Pa.
 Chapman, Wilford G., Portland, Me.
 Chappell, Fred. L., Kalamazoo, Mich.
 Charles, Benjamin H., St. Louis, Mo.
 Charlton, Walter G., Savannah, Ga.
 Chase, George, New York, N. Y.
 Chase, Ira A., Bristol, N. H.
 Chase, Nathan H., Minneapolis, Minn.
 Chase, Warren D., Hartford, Conn.
 Chatfield, Mark M., Minot, N. D.
 Cheever, Dwight B., Chicago, Ill.
 Cheney, George Nelson, Syracuse, N. Y.
 Cheney, Jerome L., Syracuse, N. Y.
 Cherry, U. S. G., Sioux Falls, S. D.
 Chester, L. F., Spokane, Wash.
 Chestnut, W. Calvin, Baltimore, Md.
 Chickering, W. H., San Francisco, Cal.
 Child, S. R., Minneapolis, Minn.
 Childs, Clarence H., Minneapolis, Minn.
 Childs, Edwards H., New York, N. Y.
 Chilton, Wm. Edwin, Charleston, W. Va.
 Chipman, Marcellus A., Anderson, Ind.
 Chirurg, Isidore S., New York, N. Y.
 Chittenden, Granville I., Denver, Col.
 Chittick, Henry R., New York, N. Y.
 Choate, Joseph H., New York, N. Y.
 Choate, Ward N., Detroit, Mich.
 Christian, Frank P., Lynchburg, Va.
 Chrisman, Charles E., Ortonville, Minn.
 Chretien, Frank D., New Orleans, La.
 Christie, Harvey L., St. Louis, Mo.
 Chrystie, T. Ludlow, New York, N. Y.
 Church, Joseph B., Washington, D. C.
 Church, Melville, Washington, D. C.
 Churchill, Alex. L., Providence, R. I.
 Chytraus, Axel, Chicago, Ill.
 Cist, Edgar Wilson, Cincinnati, Ohio.
 Clancy, Frank W., Albuquerque, N. M.
 Clapham, William E., Columbia City, Ind.
 Clapp, Harvey S., Duluth, Minn.
 Clapp, Newel H., St. Paul, Minn.
 Clapp, Robert P., Lexington, Mass.
 Clark, Alfred E., Portland, Ore.
 Clark, Chester W., Boston, Mass.
 Clark, E. S., Prescott, Ariz.
 Clark, Elmer C., Oswego, Kan.
 Clark, Gibson, Cheyenne, Wyo.
 Clark, Homer P., St. Paul, Minn.
 Clark, Hugo, Bangor, Me.
 Clark, I. R., Boston, Mass.
 Clark, Jefferson, New York, N. Y.
 Clark, Joseph H., Detroit, Mich.
 Clark, Lyman K., Boston, Mass.
 Clark, Martin, Buffalo, N. Y.
 Clark, W. A., Virginia City, Mont.
 Clark, Washington, Columbia, S. C.
 Clarke, Arthur F., Boston, Mass.

- Clarke, Enos, St. Louis, Mo.
 Clarke, Frederick H., New York, N. Y.
 Clarke, George Lemist, Boston, Mass.
 Clarke, Henry Martyn, Boston, Mass.
 Clarke, John H., Cleveland, Ohio.
 Clarke, R. Floyd, New York, N. Y.
 Clarke, Samuel B., New York, N. Y.
 Clay, Buckner, Charleston, W. Va.
 Clay, William Law, Savannah, Ga.
 Clearwater, Alphonso T., Kingston, N. Y.
 Cleaveland, Livingston W., New Haven, Conn.
 Cleaves, Henry B., Portland, Me.
 Clement, Charles M., Sunbury, Pa.
 Clement, L. H., Salisbury, N. C.
 Clephane, Walter C., Washington, D. C.
 Clevenger, William M., Atlantic City, N. J.
 Clifford, Charles W., New Bedford, Mass.
 Clifford, M. L., Tacoma, Wash.
 Clifton, Wiley H., Aberdeen, Miss.
 Cliggett, John, Mason City, Iowa.
 Clinch, Edward S., New York, N. Y.
 Cline, J. D., Lake Charles, La.
 Coady, Charles P., Baltimore, Md.
 Coakley, Daniel H., Boston, Mass.
 Coale, George O. G., Boston, Mass.
 Coatsworth, Edward E., Buffalo, N. Y.
 Cobb, A. Ward, New York, N. Y.
 Cobb, Albert C., Minneapolis, Minn.
 Cobb, W. Bruce, New York, N. Y.
 Cobbs, Thomas H., St. Louis, Mo.
 Cochran, Alexander G., St. Louis, Mo.
 Cochran, Andrew M. J., Maysville, Ky.
 Cocke, Lucian H., Roanoke, Va.
 Cockran, W. Bourke, New York, N. Y.
 Cockrell, A. W., Jr., Jacksonville, Fla.
 Cockrill, Ashley, Little Rock, Ark.
 Coco, Adolph Valery, Marksville, La.
 Coffeen, M. Lester, Chicago, Ill.
 Coffin, Herbert Lawton, New York, N. Y.
 Cohen, Abraham K., Boston, Mass.
 Cohen, D. Solis, Portland, Ore.
 Cohen, Emanuel, Minneapolis, Minn.
 Cohen, Julius Henry, New York, N. Y.
 Cohen, Max G., Portland, Ore.
 Cohn, Morris M., Little Rock, Ark.
 Coke, Henry C., Dallas, Tex.
 Colahan, John Barry, Jr., Philadelphia, Pa.
 Colbert, Michael J., Washington, D. C.
 Colby, Bainbridge, New York, N. Y.
 Colby, James F., Hanover, N. H.
 Cole, Clarence L., Atlantic City, N. J.
 Cole, George B., Seattle, Wash.
 Coleman, Charles T., Little Rock, Ark.
 Coleman, J. A., Everett, Wash.
 Coleman, Lewis Minor, Chattanooga, Tenn.
 Coleman, Phares, Montgomery, Ala.
 Coleman, W. F., Pine Bluff, Ark.
 Coles, Walter D., St. Louis, Mo.
 Colie, Edward M., Newark, N. J.
 Collier, Frederick J., Hudson, N. Y.
 Collins, Charles Cummings, St. Louis, Mo.
 Collins, O. E., Colorado Springs, Col.
 Collins, Robert E., St. Louis, Mo.
 Colston, Edward, Cincinnati, Ohio.
 Colt, James D., Boston, Mass.
 Colt, LeBaron B., Providence, R. I.
 Comer, Charles P., St. Louis, Mo.
 Comfort, F. V., Stillwater, Minn.
 Comstock, Richard B., Providence, R. I.
 Conant, Ernest B., Lincoln, Neb.
 Conant, George A., Hartford, Conn.
 Condon, John T., Seattle, Wash.
 Congdon, Chester A., Duluth, Minn.
 Conklin, Marion, Jamestown, N. D.
 Connor, Henry G., Wilson, N. C.
 Cook, Charles Sumner, Portland, Me.
 Cook, E. S., Cleveland, Ohio.
 Cook, Otis Seabury, New Bedford, Mass.
 Cook, Samuel E., Huntington, Ind.
 Cook, Wells M., Chicago, Ill.
 Cooke, Levi, Washington, D. C.
 Cooke, Robert B., Chattanooga, Tenn.
 Coolidge, William H., Boston, Mass.
 Cooper Drury W., New York, N. Y.
 Cooper, George P., Huntsville, Ala.
 Cooper, John T., Parkersburg, W. Va.
 Cooper, Lawrence, Huntsville, Ala.
 Cooper, Samuel W., Philadelphia, Pa.
 Cooper, William Thomas, Chattanooga, Tenn.
 Corbet, Burke, San Francisco, Cal.
 Corbett, Joseph J., Boston, Mass.
 Corbin, J. Arthur, New York, N. Y.
 Corbin, William H., Jersey City, N. J.
 Corbitt, James H., Suffolk, Va.
 Corliss, John B., Detroit, Mich.
 Corning, Charles R., Concord, N. H.
 Cornish, Leslie C., Augusta, Me.
 Corthell, Nellis E., Laramie, Wyo.
 Corwin, John B., Newburgh, N. Y.
 Cossum, Charles F., Poughkeepsie, N. Y.
 Costigan, Edward P., Denver, Col.
 Costigan, George P., Jr., Chicago, Ill.
 Coston, J. T., Osceola, Ark.
 Cotter, James E., Boston, Mass.

- Cottingham, J. R., Oklahoma City, Okla.
 Cotton, Joseph B., Duluth, Minn.
 Cotton, W. W., Portland, Ore.
 Couch, Franklin, Peekskill, N. Y.
 Coudert, Frederic R., New York, N. Y.
 Courtney, Henry A., Duluth, Minn.
 Courtly, Thomas E., Cortland, N. Y.
 Ceuse, Howard A., Cleveland, Ohio.
 Oovell, George V., Traverse City, Mich.
 Cowen, Israel, Chicago, Ill.
 Cowin, John C., Omaha, Neb.
 Cox, Arthur M., Chicago, Ill.
 Cox, Attila, Jr., Louisville, Ky.
 Cox, Eugene C., Lewiston, Ida.
 Cox, Frank, Phoenix, Ariz.
 Cox, Guy W., Boston, Mass.
 Cox, James B., Knoxville, Tenn.
 Cox, William J., Madisonville, Ky.
 Cox, William Ruffin, Richmond, Va.
 Coxe, Macgrane, New York, N. Y.
 Craig, Gavin W., Los Angeles, Cal.
 Craig, John E., Keokuk, Iowa.
 Craig, William T., Los Angeles, Cal.
 Crain, John H., Fort Scott, Kan.
 Crain, Robert, Baltimore, Md.
 Crain, Robert Jackson, Boston, Mass.
 Cram, Henry C., Providence, R. I.,
 Crane, Albert (New York, N. Y.),
 Stamford, Conn.
 Crane, Alexander B., New York, N. Y.
 Crane, Frederick E., Brooklyn, N. Y.
 Crane, Jay W., Minneapolis, Minn.
 Crapo, William W., New Bedford, Mass.
 Cravath, Paul D., New York, N. Y.
 Crawford, Coe I., Huron, S. D.
 Crawford, D. A., De Smet, S. D.
 Crawford, William W., Louisville, Ky.
 Crewdson, S. R., Russellville, Ky.
 Critchlow, Edward B., Salt Lake City,
 Utah.
 Crocker, George G., Boston, Mass.
 Crocker, William D., Williamsport, Pa.
 Crofoot, Lodowick F., Omaha, Neb.
 Crook, W. M., Beaumont, Tex.
 Crosby, J. Porter, Boston, Mass.
 Crosby, James O., Garnavillo, Iowa.
 Crosby, John C., Pittsfield, Mass.
 Crosby, Wilson G., Duluth, Minn.
 Crosley, Ferdinand S., New York, N. Y.
 Cross, David, Manchester, N. H.
 Cross, Theodore L., Utica, N. Y.
 Cross, William Irvine, Baltimore, Md.
 Crovatt, A. J., Brunswick, Ga.
 Crow, Herman D., Olympia, Wash.
 Crowder, Enos H., Washington, D. C.
 Crowley, Edward Chase, New York, N. Y.
 Cruikshank, Alfred B., New York, N. Y.
 Crum, B. P., Montgomery, Ala.
 Crump, Beverly T., Richmond, Va.
 Cullen, W. E., Spokane, Wash.
 Culver, Frederic, New York, N. Y.
 Culver, M. Eugene, Middletown, Conn.
 Cumming, E. D., Deposit, N. Y.
 Cumming, Joseph B., Augusta, Ga.
 Cummings, Charles R., Fall River, Mass.
 Cummings, Homer S., Stamford, Conn.
 Cummins, Albert B. (U. S. Senate), Des
 Moines, Iowa.
 Cunningham, C. A., Little Rock, Ark.
 Cunningham, Frederic, Boston, Mass.
 Cunningham, George A., Evansville, Ind.
 Cunningham, Henry C., Savannah, Ga.
 Cunningham, Henry V., Boston, Mass.
 Cunningham, T. M., Jr., Savannah, Ga.
 Curran, John P., Pittsburg, Kan.
 Curran, William R., Pekin, Ill.
 Currier, Guy W., Boston Mass.
 Curtis, Frank C., Troy, N. Y.
 Curtis, Harry C., Providence, R. I.
 Curtis, Leonard E., Colorado Springs,
 Col.
 Curtis, W. J., New York, N. Y.
 Curtis, William Edmond, New York,
 N. Y.
 Curtis, William S., St. Louis, Mo.
 Cushing, Harry Alonzo, New York, N. Y.
 Cushing, Livingstone, Boston, Mass.
 Cushing, William E., Cleveland, Ohio.
 Cushman, Edward E., Valdez, Alaska Ter.
 Custer, Jacob R., Chicago, Ill.
 Cuthbert, Lucius M., Denver, Col.
 Cutting, Charles S., Chicago, Ill.
 Cutting, William H., Buffalo, Minn.
 Cuyler, Thomas DeWitt, Philadelphia, Pa.
 Daggett, Thomas C., St. Paul, Minn.
 Daish, John B., Washington, D. C.
 Dale, Horatio F., Des Moines, Iowa.
 Daley, A. F., Wrightsville, Ga.
 Daley, Andrew J., Luverne, Minn.
 Daly, Augustine J., Boston, Mass.
 Daly, Edward Hamilton, New York,
 N. Y.
 Daly, Joseph F., New York, N. Y.
 Dana, Samuel W., New Castle, Pa.
 Danaher, Franklin M., Albany, N. Y.
 Danaher, Michael B., Ludington, Mich.
 Daney, Eugene, San Diego, Cal.
 Daniels, Edward, Indianapolis, Ind.
 Daniels, Francis B., Chicago, Ill.
 Danson, R. J., Spokane, Wash.

Danziger, Alfred David, New Orleans, La.

D'Arcy, Edward, St. Louis, Mo.
 Darling, Charles K., Boston, Mass.
 Dart, Henry P., New Orleans, La.
 Dart, Henry P. Jr., New Orleans, La.
 d'Autremont, Charles, Jr., Duluth, Minn.
 Davenport, Charles M., Boston, Mass.
 Davenport, Daniel, Bridgeport, Conn.
 Davenport, James S., Vinita, Okla.
 Davey, John C., Jr., New Orleans, La.
 David, Joseph B., Chicago, Ill.
 Davidson, Samuel P., Tecumseh, Neb.
 Davidson, Theodore F., Asheville, N. C.
 Davidson, William B., Boise, Ida.
 Davies, Julien T., New York, N. Y.
 Davis, Albert G., Schenectady, N. Y.
 Davis, Archibald H., Atlanta, Ga.
 Davis, Brode B., Chicago, Ill.
 Davis, Charles Hall, Petersburg, Va.
 Davis, Dabney C. T., Jr., Charleston, W. Va.
 Davis, David T., New York, N. Y.
 Davis, Harold S., Boston, Mass.
 Davis, Harrison M., Boston, Mass.
 Davis, Harry C., Denver, Col.
 Davis, Henry E., Washington, D. C.
 Davis, Henry K., New York, N. Y.
 Davis, J. Lionberger, St. Louis, Mo.
 Davis, James C., Des Moines, Iowa.
 Davis, James Edgar, Hattiesburg, Miss.
 Davis, John, Dallas, Tex.
 Davis, Junius, Wilmington, N. C.
 Davis, Richard B., Petersburg, Va.
 Davis, Richard J., Portsmouth, Va.
 Davis, Robert E., Gainesville, Fla.
 Davis, Staige, Charleston, W. Va.
 Davis, Sydney B. Terre Haute, Ind.
 Davis, Thomas W., Wilmington, N. C.
 Davis, Vernon M., New York, N. Y.
 Davis, Walter W., Leadville, Col.
 Davis, William T., Pineville, Ky.
 Davison, Charles Stewart, New York, N. Y.
 Davison, Clarence S., Tarrytown, N. Y.
 Daw, George W., Troy, N. Y.
 Dawes, Chester M., Chicago, Ill.
 Dawkins, Walter I., Baltimore, Md.
 Dawson, Clyde C., Denver, Col.
 Dawson, William H., Baltimore, Md.
 Dawson, Wm. Sherman, Spokane, Wash.
 Day, E. C., Helena, Mont.
 Day, Harry G., New Haven, Conn.
 Day, William R. (Washington, D. C.), Canton, Ohio.

Dean, George C., New York, N. Y.
 Dean, Joel Edward, Rome, Ga.
 Dean, Josiah S., Boston, Mass.
 Deasy, Luere B., Bar Harbor, Me.
 Debevoise, Thomas M., New York, N. Y.
 DeBruler, Ellis, Seattle, Wash.
 Decker, Gustav F., St. Louis, Mo.
 DeCoursey, Charles A., Boston, Mass.
 DeDiego, Jose, Mayaguez, P. R.
 Deering, Henry, Portland, Me.
 Deering, James A., New York, N. Y.
 Deery, John, Dubuque, Iowa.
 Defrees, Joseph H., Chicago, Ill.
 DeGraffenried, Edward, Greensboro, Ala.
 Deiches, Maurice, New York, N. Y.
 DeLacy, George C., New York, N. Y.
 DeLacy, William H., Washington, D. C.
 Delle, Lee C., North Yakima, Wash.
 Deming, Horace E., New York, N. Y.
 Deming, John B., Baltimore, Md.
 Dempsey, James H., Cleveland, Ohio.
 Deneen, Charles S. (Springfield, Ill.), Chicago, Ill.
 Denègre, George, New Orleans, La.
 Denègre, James D., St. Paul, Minn.
 Denègre, Walter D., New Orleans, La.
 Denis, George J., Los Angeles, Cal.
 Denison, Arthur C., Grand Rapids, Mich.
 Denison, Howard P., Syracuse, N. Y.
 Denison, John D., Jr., Dubuque, Iowa.
 Denman, U. G., Toledo, Ohio.
 Dennis, James U., Baltimore, Md.
 Dennison, Joseph A., Boston Mass.
 Dent, S. H., Jr., Montgomery, Ala.
 Dent, Thomas, Chicago, Ill.
 Depew, Chauncey M., New York, N. Y.
 Depue, Sherrerd, Newark, N. J.
 De Steiguer, George E., Seattle, Wash.
 Deutsch, Henry, Minneapolis, Minn.
 Devecmon, William C., Cumberland, Md.
 Devine, Thomas H., Pueblo, Col.
 Devitt, John F., Muscatine, Iowa.
 Dewart, Frederick W., Spokane, Wash.
 Dewey, William P., New York, N. Y.
 Dexter, Jos. P., So. Framingham, Mass.
 Dexter, Stanley W., New York, N. Y.
 Dibell, Homer B., Duluth, Minn.
 Dickey, J. M., St. Paul, Minn.
 Dickey, Lyle A., Honolulu, H. T.
 Dickinson, Don M., Trenton, Mich.
 Dickinson, H. D., Minneapolis, Minn.
 Dickinson, J. M. (Washington, D. C.), Chicago, Ill.
 Dickinson, J. R., Chicago, Ill.
 Dickinson, Julian G., Detroit, Mich.

Dickinson, Marquis F., Boston, Mass.
 Dickson, Joseph, Jr., St. Louis, Mo.
 Dickson, Samuel, Philadelphia, Pa.
 Dickson, William L., Cincinnati, Ohio.
 Dietrich, Frank S., Boise, Ida.
 Dillard, F. C., Chicago, Ill.
 Dillard, Wm. B., St. Helen, Ore.
 Dillaway, Wm. E. L., Boston, Mass.
 Dille, John I., Minneapolis, Minn.
 Dillon, C. W., Fayetteville, W. Va.
 Dillon, Henry Clay, Los Angeles, Cal.
 Dillon, John F., New York, N. Y.
 Dines, Orville L., Denver, Col.
 Dines, Tyson S., Denver, Col.
 Dinkelspiel, Max, New Orleans, La.
 Dirnberger, M. F., Jr., Buffalo, N. Y.
 Dittenhoefer, A. J., New York, N. Y.
 Dittenhoefer, Irving M., New York, N. Y.
 Divet, A. G., Wahpeton, N. D.
 Dixon, John R., Denver, Col.
 Dixon, Warren, Jersey City, N. J.
 Dixon, William W., Butte, Mont.
 Dockweiler, Isidore B., Los Angeles, Cal.
 Dodge, Frank L., Lansing, Mich.
 Dodge, Fred B., Minneapolis, Minn.
 Dodge, Frederic, Boston, Mass.
 Dodge, John W., Jacksonville, Fla.
 Dodge, Robert Gray, Boston, Mass.
 Dodge, William W., Washington, D. C.
 Dodge, Willis Edward, Minneapolis, Minn.
 Doggett, John L., Jacksonville, Fla.
 Doig, David H., Jacksonville, Fla.
 Donaldson, R. Golden, Washington, D. C.
 Donaldson, Wm. Jay, Knoxville, Tenn.
 Donaldson, William R., St. Louis, Mo.
 Donaldson, William R., Jr., St. Louis, Mo.
 Donalson, John E., Bainbridge, Ga.
 Donnell, Forrest C., St. Louis, Mo.
 Donnelly, Edward A., Baltimore, Md.
 Donnelly, Henry D., New York, N. Y.
 Donnelly, John C., Detroit, Mich.
 Donworth, Clement B., Machias, Me.
 Donworth, George, Seattle, Wash.
 Doolan, John C., Louisville, Ky.
 Doran, Jas. P., New Bedford, Mass.
 Dorr, Charles W., Seattle, Wash.
 Dorr, Dudley A., Boston, Mass.
 Dorsey, Clayton C., Denver, Col.
 Dos Passos, John R., New York, N. Y.
 Doster, Frank, Topeka, Kan.
 Doub, Albert A., Cumberland Md.
 Dougherty, Harry M., Socorro, N. M.
 Dougherty, J. Hampden, New York, N. Y.
 Douglas, Charles A., Washington, D. C.

Douglas, Edward W., Troy, N. Y.
 Douglas, Marion, Duluth, Minn.
 Douglas, Robert M., Greensboro, N. C.
 Douglas, Samuel T., Detroit, Mich.
 Douglas, Walter B., St. Louis, Mo.
 Douglass, George L., Chicago, Ill.
 Dovell, W. T., Seattle, Wash.
 Dowd, Willis Bruce, New York, N. Y.
 Dowell, Arthur E., Washington, D. C.
 Dowell, Julian C., Washington, D. C.
 Downer, Sylvester S., Reno, Nev.
 Doyal, Paul Henderson, Rome, Ga.
 Doyle, John H., Toledo, Ohio.
 Doyle, Louis F., New York, N. Y.
 Driggs, Frederick E., Detroit, Mich.
 Drummond, Josiah H., Portland, Me.
 Dryden, John N., Kearney, Neb.
 Duane, Russell, Philadelphia, Pa.
 Dubbs, Henry A., Denver, Colo.
 Dubuisson, E. B., Opelousas, La.
 Dubuque, Hugo A., Fall River, Mass.
 Duchamp, Charles A., New Orleans, La.
 Dudley, Charles A., Des Moines, Iowa.
 Dudley, Frederick M., Seattle, Wash.
 Duell, Charles H., New York, N. Y.
 Duffield, Edward D., Newark, N. J.
 Duffield, Henry M., Detroit, Mich.
 Dufour, H. Generes, New Orleans, La.
 Dufour, Horace L., New Orleans, La.
 Dufour, William C., New Orleans, La.
 Dugan, Patrick C., Albany, N. Y.
 Du Mars, John E., Oklahoma City, Okla.
 Dumont, Wayne (New York, N. Y.),
 Paterson, N. J.
 Dunbar, Frank Emerson, Lowell, Mass.
 Dunbar, William H., Boston, Mass.
 Dundey, Charles L., Omaha, Neb.
 Dunham, Braddock H., Omaha, Neb.
 Duniway, Ralph R., Portland, Ore.
 Dunklee, George F., Denver, Col.
 Dunlap, Robert, Chicago, Ill.
 Dunlop, G. Thomas, Washington, D. C.
 Dunn, C. O., Meridian, Miss.
 Dunn, Michael, Paterson, N. J.
 Dunne, Peter F., San Francisco, Cal.
 Dunphy W. H., Walla Walla, Wash.
 Dunscomb, Samuel Whitney, Jr., New York, N. Y.
 Dunton, Robert F., Belfast, Me.
 Dupre, Gilbert L., Jr., New Orleans, La.
 Dupre, H. Garland, New Orleans, La.
 Durand, Lorenzo T., Saginaw, E. S.,
 Mich.
 Durban, Frank A., Zanesville, Ohio.
 Du Relle, George, Louisville, Ky.

- Durment, Edmund S., St. Paul, Minn.
 Dutcher, Charles M., Iowa City, Iowa.
 Dutton, John A., New York, N. Y.
 Duval, Louis W., Ocala, Fla.
 Duvall, Richard Mareen, Baltimore, Md.
 Duxbury, F. A., Caledonia, Minn.
 Duxbury, W. R., St. Paul, Minn.
 Dwinnell, W. S., Minneapolis, Minn.
 Dye, John T., Indianapolis, Ind.
 Dyer, David P., St. Louis, Mo.
 Dyer, Isaac W., Portland, Me.
 Dyer, John L., El Paso, Tex.
 Dykman, William N., Brooklyn, N. Y.
 Dymond, John, Jr., New Orleans, La.
 Dynes, O. W., Chicago, Ill.
 Dyrenforth, Philip C., Chicago, Ill.
 Dyrenforth, William H., Chicago, Ill.
 Eakin, Robert, Salem, Ore.
 Earl, Otis A., Kalamazoo, Mich.
 Earle, Claude B., Anderson, S. C.
 Earle, Henry M., New York, N. Y.
 Earle, Wilton H., Greenville, S. C.
 Early, Marion C., St. Louis, Mo.
 Eastman, Albert N., Chicago, Ill.
 Eastman, Chase, Portland, Me.
 Eastman, Samuel C., Concord, N. H.
 Eastman, Sidney C., Chicago, Ill.
 Easton, Charles Philip, New York, N. Y.
 Easton, Robert T. B., New York, N. Y.
 Eaton, Amasa M., Providence, R. I.
 Eaton, Marquis, Chicago, Ill.
 Eaton, William D., Providence, R. I.
 Eaton, William V., Paducah, Ky.
 Eberhardt, Max, Chicago, Ill.
 Eckhardt, Percy B., Chicago, Ill.
 Eckstein, Joseph A., New Ulm, Minn.
 Edington, T. B., Memphis, Tenn.
 Eddy, Charles B., New York, N. Y.
 Edge, Lester P., Spokane, Wash.
 Edgerton, John W., New Haven, Conn.
 Edmonds, Franklin S., Philadelphia, Pa.
 Edmonds, Samuel O., New York, N. Y.
 Edmonston, William E., Washington,
 D. C.
 Edson, Joseph R., Washington, D. C.
 Edson, Walter H., Falconer, N. Y.
 Edwards, B. P., Saline, La.
 Edwards, Clarence, Elmhurst, N. Y.
 Edwards, Marion, Seattle, Wash.
 Edwards, Peyton F., El Paso, Tex.
 Edwards, Seeber, Providence, R. I.
 Edwards, Stephen O., Providence, R. I.
 Efrd, C. M., Lexington, S. C.
 Ehrhorn, Oscar W., New York, N. Y.
 Eickhoff, Henry, San Francisco, Cal.
 Einstein, B. F., New York, N. Y.
 Eisner, Michael L., Pittsfield, Mass.
 Elder, Charles B., Chicago, Ill.
 Elder, Charles R., Boston, Mass.
 Elder, Samuel J., Boston, Mass.
 Elgutter, Charles S., Omaha, Neb.
 Eliot, Edward C., St. Louis, Mo.
 Elkus, Abram I., New York, N. Y.
 Ellick, Alfred G., Omaha, Neb.
 Ellinwood, Everett E., Bisbee, Ariz.
 Elliot, Frank S., Philadelphia, Pa.
 Elliott, Charles B., Manila, P. I.
 Elliott, George Frederick, Brooklyn,
 N. Y.
 Elliott, William F., Indianapolis, Ind.
 Ellis, Daniel B., Denver, Col.
 Ellis, David A., Boston, Mass.
 Ellis, George W., New York, N. Y.
 Ellis, John W., Ellicottville, N. Y.
 Ellis, S. D., Amite City, La.
 Ellis, Thomas C. W., New Orleans, La.
 Ellison, Edward D., Kansas City, Mo.
 Ellison, James, Kansas City, Mo.
 Ellison, William Bruce, New York, N. Y.
 Ellsworth, S. E., Jamestown, N. D.
 Elsberg, Nathaniel A., New York, N. Y.
 Elting, Victor, Chicago, Ill.
 Ely, Frederick D., Boston, Mass.
 Ely, John J., Freehold, N. J.
 Emerson, George H., New York, N. Y.
 Emery, John R., Morristown, N. J.
 Emery, Lucilius A., Ellsworth, Me.
 Emmons, Ralph W., Seattle, Wash.
 Endlich, Gustav A., Reading, Pa.
 Engelhard, Charles, Detroit, Mich.
 Englehart, Ira P., North Yakima, Wash.
 English, Conover, Newark, N. J.
 English, Lee F., Chicago, Ill.
 Ennever, Thomas C., New York, N. Y.
 Ensign, Charles S., Jr., Boston, Mass.
 Erwin, Frank Alexander, New York, N. Y.
 Ealing, Henry C., Philadelphia, Pa.
 Estabrook, Henry D., New York, N. Y.
 Estep, Thomas B., St. Louis, Mo.
 Esterline, Blackburn, Washington, D. C.
 Estopinal, Albert, Jr., St. Bernard, La.
 Evans, Arthur F., Chicago, Ill.
 Evans, Charles R., Chattanooga, Tenn.
 Evans, Earl W., Wichita, Kan.
 Evans, Edward B., Des Moines, Iowa.
 Evans, John Gary, Spartanburg, S. C.
 Evans, Lynden, Chicago, Ill.
 Evans, Marvin, Walla Walla, Wash.
 Evans, Rowland, Indianapolis, Ind.
 Evans, Wm. L., Green Bay, Wis.

- Everette, Willis Eugene, Tacoma, Wash.
 Everson, John, Alma, Neb.
 Ewen, John, New York, N. Y.
 Ewing, Arthur W., Dawson, Minn.
 Ewing, Frank H., St. Paul, Minn.
 Ewing, Hampton D., New York, N. Y.
 Ewing, James W., Wheeling, W. Va.
 Ewing, John A., Leadville, Col.
 Ewing, John C., New York, N. Y.
 Ewing, Nathaniel, Uniontown, Pa.
 Ewing, Thomas, Jr., New York, N. Y.
 Eyges, Leon Russell, Boston, Mass.
 Faber, Leander B., Jamaica, N. Y.
 Fairbank, Arthur B., Huron, S. D.
 Fairbanks, Charles W., Indianapolis, Ind.
 Fairchild, Arthur H., Milwaukee, Wis.
 Fairchild, Edwin K., Minneapolis, Minn.
 Fairchild, Hiram O., Green Bay, Wis.
 Fairleigh, James Franklin, Louisville, Ky.
 Falconer, Wm. A., Fort Smith, Ark.
 Fall, George Howard, Malden, Mass.
 Fallows, Edward H., New York, N. Y.
 Farley, John W., Memphis, Tenn.
 Farley, John Wells, Boston, Mass.
 Farley, L. J., Oxford, Miss.
 Farlow, John S., Boston, Mass.
 Farnham, Charles W., St. Paul, Minn.
 Farnham, Frank A., Boston, Mass.
 Farquhar, Guy E., Pottsville, Pa.
 Farr, George W., Miles City, Mont.
 Farrar, Edgar H., New Orleans, La.
 Farrell, C. H., Seattle, Wash.
 Farrell, Michael F., Boston, Mass.
 Faussett, R. J., Everett, Wash.
 Fay, Frank S., Meriden, Conn.
 Fay, Thomas P., Long Branch, N. J.
 Fearons, George H., New York, N. Y.
 Fechheimer, Charles M., Chickasha, Okla.
 Feely, Joseph J., Boston, Mass.
 Feliu, Leopoldo, Mayaguez, P. R.
 Fellows, Grant, Hudson, Mich.
 Fenner, Charles Payne, New Orleans, La.
 Fenning, Frederick A., Washington, D. C.
 Fenning, Karl, Cleveland, Ohio.
 Fenton, Hector T., Philadelphia, Pa.
 Ferber, J. Bernard, Boston, Mass.
 Ferguson, Garland S., Jr., Greensboro, N. C.
 Ferris, Aaron A., Cincinnati, Ohio.
 Ferris, T. Harvey, Utica, N. Y.
 Ferriss, Franklin, St. Louis, Mo.
 Fessler, James William, Indianapolis, Ind.
 Fettretch, Joseph, New York, N. Y.
 Field, Frank Harvey, New York, N. Y.
 Field, Fred. T., Boston, Mass.
 Field, Heman H., Seattle, Wash.
 Field, Neill B., Albuquerque, N. M.
 Field, Whitcomb, Boston, Mass.
 Fiero, J. Newton, Albany, N. Y.
 Finch, Edward R., New York, N. Y.
 Findley, William L., New York, N. Y.
 Fink, Charles E., Westminster, Md.
 Finney, A. C., Minneapolis, Minn.
 Fish, Daniel, Minneapolis, Minn.
 Fish, Frederick P., Boston, Mass.
 Fish, Norman D., North Tonawanda, N. Y.
 Fisher, D. K. Este, Baltimore, Md.
 Fisher, Frederic A., Lowell, Mass.
 Fisher, Geo. P., Chicago, Ill.
 Fisher, Hubert Frederick, Memphis, Tenn.
 Fisher, Robert J., Washington, D. C.
 Fisher, William Righter, Philadelphia, Pa.
 Fiske, Andrew, Boston, Mass.
 Fisse, William E., St. Louis, Mo.
 Fitch, Theodore (New York, N. Y.), Yonkers, N. Y.
 FitzGerald, David E., New Haven, Conn.
 Fitzhugh, G. T., Memphis, Tenn.
 Fitzhugh, Henry L., Fort Smith, Ark.
 Fitzpatrick, W. S., Independence, Kan.
 Fitz Simons, W. Huger, Charleston, S. C.
 Fitzwilliam, F. P., Leavenworth, Kan.
 Fixman, Ezekiel, New York, N. Y.
 Flaherty, James A., Philadelphia, Pa.
 Flanders, James G., Milwaukee, Wis.
 Flanigan, Eugene D., Albany, N. Y.
 Flannery, George P., Minneapolis, Minn.
 Flannery, Henry C., Minneapolis, Minn.
 Flannery, John Spalding, Washington, D. C.
 Fleischmann, Simon, Buffalo, N. Y.
 Fleming, Francis P., Jacksonville, Fla.
 Fleming, John D., Boulder, Col.
 Fleming, Russell W., Fort Collins, Col.
 Flemming, H. H., Kingston, N. Y.
 Fletcher, Bertram L., Bangor, Me.
 Fletcher, Duncan U., Jacksonville, Fla.
 Fletcher, John Storrs, Chattanooga, Tenn.
 Flewelling, Albert L., Spokane, Wash.
 Flexner, Bernard, Louisville, Ky.
 Flickinger, Isaac N., Council Bluffs, Iowa.
 Flint, Albert F., Boston, Mass.
 Flood, H. D., Appomattox, Va.
 Florance, Ernest T., New Orleans, La.
 Flory, Walter L., Cleveland, Ohio.

- Flowers, George W., Pittsburg, Pa.
 Flynn, George A., Boston, Mass.
 Flynn, Leo J., Dubuque, Iowa.
 Flynn, Thomas D., New Orleans, La.
 Follansbee, George A., Chicago, Ill.
 Follett, Alfred Dewey, Marietta, Ohio.
 Folsom, Henry H., Boston, Mass.
 Folsom, Myron A., Spokane, Wash.
 Foot, C. H., Kalispell, Mont.
 Forbes, J. Grant, Boston, Mass.
 Forbush, Frank M., Boston, Mass.
 Force, H. C., Seattle, Wash.
 Fordham, Herbert L., New York, N. Y.
 Fordyce, Samuel W., Jr., St. Louis, Mo.
 Forman, Benjamin Rice, New Orleans, La.
 Forrest, Randolph B., El Reno, Okla.
 Forster, Henry A., New York, N. Y.
 Fort, J. Franklin, East Orange, N. J.
 Fosnes, C. A., Montevideo, Minn.
 Foster, A. B., Troy, Ala.
 Foster, Alfred D., Boston, Mass.
 Foster, Charles E., Washington, D. C.
 Foster, Frederick, Boston, Mass.
 Foster, Reginald, Boston, Mass.
 Foster, Roger, New York, N. Y.
 Foster, Rufus E., New Orleans, La.
 Fowler, Charles R., Minneapolis, Minn.
 Fowler, Everett, Kingston, N. Y.
 Fowler, James A., Washington, D. C.
 Fox, A. F., West Point, Miss.
 Fox, Austen G., New York, N. Y.
 Fox, Charles J., St. Louis, Mo.
 Fox, Edward J., Easton, Pa.
 Fox, James C., Portland, Me.
 Fox, William Henry, Taunton, Mass.
 Fraley, Joseph C., Philadelphia, Pa.
 France, Jacob, Baltimore, Md.
 France, Joseph C., Baltimore, Md.
 Frank, Adam, New York, N. Y.
 Frank, Eli, Baltimore, Md.
 Frankel, Louis R., St. Paul, Minn.
 Frankluter, Felix (Washington, D. C.),
 New York, N. Y.
 Franklin, Benjamin, New York, N. Y.
 Franklin, Ruford, New York, N. Y.
 Frantz, John Henry, Knoxville, Tenn.
 Frantzen, John P., Dubuque, Iowa.
 Fraser, Daniel, Fowler, Ind.
 Fraser, George C., New York, N. Y.
 Frazier, J. B., Chattanooga, Tenn.
 Frazier, J. W., Tampa, Fla.
 Fredericks, John T., Williamsport, Pa.
 Freedman, John J., New York, N. Y.
 Freeman, Eben Winthrop, Portland, Me.
 Freiberg, A Julius, Cincinnati, Ohio.
 French, Arthur P., Boston, Mass.
 French, Asa P., Boston, Mass.
 French, Lafayette, Austin, Minn.
 French, Thomas E., Camden, N. J.
 French, William B., Boston, Mass.
 Freund, Ernst, Chicago, Ill.
 Frey, Philip W., Evansville, Ind.
 Friedman, Lee M., Boston, Mass.
 Friedrichs, Carl C., New Orleans, La.
 Frierson, James Nelson, Columbia, S. C.
 Frierson, William L., Chattanooga, Tenn.
 Frisbee, Ernest L., Buffalo, N. Y.
 Frost, E. Allen, Chicago, Ill.
 Frost, Edward W., Milwaukee, Wis.
 Frost, Frank Ravenel, Charleston, S. C.
 Fuller, Charles A., Sherburne, N. Y.
 Fuller, Clifford W., Cleveland, Ohio.
 Fuller, E. Dean (Mexico City, Mexico),
 Des Moines, Iowa.
 Fuller, George, San Diego, Cal.
 Fuller, Jay, Detroit, Mich.
 Fuller, Jones, Roxbury, Mass.
 Fuller, Paul, New York, N. Y.
 Fuller, Thomas Staples, New York, N. Y.
 Fuller, Williamson W., New York, N. Y.
 Fullerton, William D., Ottawa, Ill.
 Fulton, Minitree Jones, Richmond, Va.
 Fulton, Walter S., Seattle, Wash.
 Fulwood, C. W., Tifton, Ga.
 Funkhouser, Arthur F., Evansville, Ind.
 Furlow, Thomas E., New Orleans, La.
 Furness, William Eliot, Chicago, Ill.
 Furry, J. B., Muskogee, Okla.
 Furst, William, Minneapolis, Minn.
 Futrell, William H., Philadelphia, Pa.
 Gabbert, William H., Denver, Col.
 Gabriel, John H., Denver, Col.
 Gaffy, Loring E., Pierre, S. D.
 Gage, Alexander K., Detroit, Mich.
 Gage, Thomas Hovey, Jr., Worcester,
 Mass.
 Gager, Edwin B., Derby, Conn.
 Gaillard, Wm. D., New York, N. Y.
 Gaines, Albert W., Chattanooga, Tenn.
 Gaitskill, Bennett S., Girard, Kan.
 Galbraith, Clinton A., Ada, Okla.
 Gale, Edward C., Minneapolis, Minn.
 Gale, Noel, New York, N. Y.
 Gallagher, Charles T., Boston, Mass.
 Gallagher, Thomas F., Fitchburg, Mass.
 Gallert, David J., New York, N. Y.
 Galston, Clarence G., New York, N. Y.
 Gandy, Newton S., Colorado Springs,
 Col.
 Gans, Edgar H., Baltimore, Md.

Gans, Howard S., New York, N. Y.
 Gantenbein, Calvin U., Portland, Ore.
 Gantt, James B., Jefferson City, Mo.
 Garcelon, William F., Boston, Mass.
 Gardner, A. K., Huron, S. D.
 Gardner, C. P., Chicago, Ill.
 Gardner, Elisha W., Canandaigua, N. Y.
 Gardner, John M., New York, N. Y.
 Gardner, Rathbone, Providence, R. I.
 Garesche, Vital W., St. Louis, Mo.
 Garfield, Harry A., Williamstown, Mass.
 Garfield, James R., Cleveland, Ohio.
 Garland, Hugh A., Wilmington, Del.
 Garner, C. H., Tracy City, Tenn.
 Garnett, Theodore S., Norfolk, Va.
 Garrecht, F. A., Walla Walla, Wash.
 Gartside, John M., Chicago, Ill.
 Garver, John A., New York, N. Y.
 Garvin, William Everett, St. Louis, Mo.
 Gast, Robert S., Pueblo, Col.
 Gaston, O. C., Everett, Wash.
 Gates, Edward C., Fort Scott, Kan.
 Gates, Edward P., Independence, Mo.
 Gates, Thomas S., Philadelphia, Pa.
 Gauerkc, John W., Green Bay, Wis.
 Gaughan, Thomas J., Camden, Ark.
 Gautney, J. F., Jonesboro, Ark.
 Gavin, Michael, 2d, New York, N. Y.
 Gearin, John M., Portland, Ore.
 Geddes, Frederick L., Toledo, Ohio.
 Geisler, T. J., Portland, Ore.
 Geisthardt, Stephen L., Lincoln, Neb.
 Geller, Frederick, New York, N. Y.
 Gentry, North T., Columbia, Mo.
 George, James A., Deadwood, S. D.
 Gerard, James W., New York, N. Y.
 Gerding, George F., Knoxville, Tenn.
 German, Charles W., Kansas City, Mo.
 Gerry, Elbridge T., New York, N. Y.
 Gest, John Marshall, Philadelphia, Pa.
 Gibbes, Hunter A., Columbia, S. C.
 Gibbons, Cromwell, Jacksonville, Fla.
 Gibbons, John, Chicago, Ill.
 Gibbs, Clinton B., Buffalo, N. Y.
 Gibbs, George C., Jacksonville, Fla.
 Gibson, George J., Salt Lake City, Utah.
 Gibson, James A., Los Angeles, Cal.
 Giddings, Charles, Great Barrington, Mass.
 Gifford, James M., New York, N. Y.
 Gifford, Livingston, New York, N. Y.
 Gignilliat, William L., Savannah, Ga.
 Gilbert, Lyman D., Harrisburg, Pa.
 Gilbert, Newton W., Manila, P. I.
 Gill, Henry Sterling, Greensburg, Pa.
 Gillen, William W., Jamaica, N. Y.

Gillespie, J. Hamilton, Sarasota, Fla.
 Gilliam, Marshall M., Richmond, Va.
 Gillin, P. H., Bangor, Me.
 Gilman, Edwin C., Boston, Mass.
 Gilman, L. C., St. Paul, Minn.
 Gilmore, Eugene Allen, Madison, Wis.
 Gilpin, C. Monteith, New York, N. Y.
 Gilson, Norman S., Fond du Lac, Wis.
 Gjerset, Oluf, Montevideo, Minn.
 Gjertson, Henry J., Minneapolis, Minn.
 Glasgow, William A., Jr., Philadelphia, Pa.
 Glass, Hiram, Austin, Texas.
 Glassie, Henry Haywood, Washington, D. C.
 Gleason, James, Portland, Ore.
 Gleason, John H., Albany, N. Y.
 Gleason, W. L., New Orleans, La.
 Gled, James Willis, Topeka, Kan.
 Glen, James F., Tampa, Fla.
 Glenn, Garrard, New York, N. Y.
 Glicksman, Nathan, Milwaukee, Wis.
 Glynn, Martin H., Albany, N. Y.
 Godbey, E. W., Decatur, Ala.
 Godchaux, Emile, New Orleans, La.
 Goddard, Luther M., Denver, Col.
 Goddard, O. Fletcher, Billings, Mont.
 Godman, M. M., Acapulco, Mexico.
 Goetchius, Henry R., Columbus, Ga.
 Goff, Guy D., Milwaukee, Wis.
 Goldberg, Abraham, New Orleans, La.
 Goldman, Julius, New York, N. Y.
 Goldman, Samuel P., New York, N. Y.
 Goldsborough, R. F., New Orleans, La.
 Goldsborough, T. Alan, Denton, Md.
 Goodale, Francis G., Boston, Mass.
 Goodell, Edwin B., Montclair, N. J.
 Goodelle, William P., Syracuse, N. Y.
 Goodhue, Isaac W., New York, N. Y.
 Goodner, Ivan W., Seattle, Wash.
 Goodspeed, Alex. McLellan, New Bedford, Mass.
 Goodwin, Forrest, Skowhegan, Me.
 Goodwin, Robert E., Boston, Mass.
 Goodwyn, Robert Tyler, Montgomery, Ala.
 Goodykoontz, Wells, Williamson, W. Va.
 Gordon, Gordon, New York, N. Y.
 Gordon, Horace C., Tampa, Fla.
 Gordon, John, Boston, Mass.
 Gordon, Maurice Kirby, Madisonville, Ky.
 Gordon, William W., Jr., Savannah, Ga.
 Gorham, William H., Seattle, Wash.
 Gose, C. C., Walla Walla, Wash.
 Gose, M. F., Olympia, Wash.
 Gosc, T. P., Walla Walla, Wash.

- Goss, Melvin C., Boulder, Col.
 Gossett, Alfred N., Kansas City, Mo.
 Gould, John H., Delphi, Ind.
 Goulder, Harvey D., Cleveland, Ohio.
 Gove, Frank E., Denver, Col.
 Grace, H. H., Superior, Wis.
 Graff, M. L., Los Angeles, Cal.
 Graham, George S., Philadelphia, Pa.
 Gram, Jesse P., New York, N. Y.
 Granberry, William L., Nashville, Tenn.
 Granger, H. T., Seattle, Wash.
 Granger, Moses M., Zanesville, Ohio.
 Grant, Lee W., St. Louis, Mo.
 Grant, Richard F., Cleveland, Ohio.
 Grant, Walter B., Boston, Mass.
 Grau, Victor H., Duluth, Minn.
 Graves, Charles A., Univ. of Va., Va.
 Graves, Henry B., Detroit, Mich.
 Graves, Will G., Spokane, Wash.
 Gray, George, Wilmington, Del.
 Gray, Henry G., New York, N. Y.
 Gray, J. Converse, Boston, Mass.
 Gray, James C., Pittsburg, Pa.
 Gray, John C., Boston, Mass.
 Gray, Robert T., Detroit, Mich.
 Gray, Roscoe Spaulding, Oakland, Cal.
 Gray, William J., Detroit, Mich.
 Grayson, D. L., Chattanooga, Tenn.
 Greaves, H. B., Canton, Miss.
 Greeley, Arthur P., Washington, D. C.
 Greeley, Louis M., Chicago, Ill.
 Greeley, William B., New York, N. Y.
 Green, Frederick, Urbana, Ill.
 Green, J. W., Lawrence, Kan.
 Green, John W., Knoxville, Tenn.
 Greenacre, Isalah T., Chicago, Ill.
 Greene, Charles J., Omaha, Neb.
 Greene, Frederick L., Greenfield, Mass.
 Greene, Gardiner, Norwich, Conn.
 Greene, George G., Green Bay, Wis.
 Greene, Robert J., Lincoln, Neb.
 Greene, Roger S., Seattle, Wash.
 Greene, Thomas G., Portland, Ore.
 Greene, Warren E., Duluth, Minn.
 Greene, William P., Abbeville, S. C.
 Greenfield, N. R., Rawlins, Wyo.
 Greenman, F. W., Tacoma, Wash.
 Greenough, William B., Providence, R. I.
 Greensfelder, Bernard, St. Louis, Mo.
 Greenwell, W. A., Honolulu, Hawaii.
 Gregg, Frank E., Denver, Col.
 Gregg, Maurice, Baltimore, Md.
 Gregory, Charles Noble, Washington, D. C.
 Gregory, George C., Richmond, Va.
 Gregory, Henry E., New York, N. Y.
 Gregory, Roger, Elsing Green, Va.
 Gregory, Stephen S., Chicago, Ill.
 Gresham, Otto, Chicago, Ill.
 Greve, Charles Theodore, Cincinnati, Ohio.
 Gridley, John T., Candor, N. Y.
 Gridley, Martin M., Chicago, Ill.
 Griffin, S., Bedford City, Va.
 Griffith, Warren G., Philadelphia, Pa.
 Griggs, Herbert S., Tacoma, Wash.
 Griggs, John W. (New York, N. Y.), Paterson, N. J.
 Grimes Robert H., New York, N. Y.
 Grinnan, Daniel, Richmond, Va.
 Grinnell, Charles E., Boston, Mass.
 Grinnell, Frank W., Boston, Mass.
 Griswold, Norris O., Greenville, Mich.
 Groesbeck, Alex. J., Jr., Detroit, Mich.
 Grosscup, Benjamin S., Tacoma, Wash.
 Grosscup, Peter S., Chicago, Ill.
 Grossman, Emanuel M., St. Louis, Mo.
 Grossman, Moses H., New York, N. Y.
 Grossman, William, New York, N. Y.
 Grozier, Joshua, Denver, Col.
 Grubbs, Charles S., Louisville, Ky.
 Gruber, Abraham, New York, N. Y.
 Guernsey, Nathaniel T., Des Moines, Iowa
 Guerrier, S., McAlester, Okla.
 Guigon, A. B., Richmond, Va.
 Guion, Owen H., New Bern, N. C.
 Gunby, Edward R., Tampa, Fla.
 Gunn, Julien, Richmond, Va.
 Gunter, Julius C., Denver, Col.
 Guntor, Gaston, Montgomery, Ala.
 Guthrie, George W., Pittsburg, Pa.
 Guthrie, William A., Durham, N. C.
 Guthrie, William D., New York, N. Y.
 Hackett, Chauncey, Washington, D. C.
 Hadden, Alexander, Cleveland, Ohio.
 Hadley, A. M., Bellingham, Wash.
 Hadley, Eugene J., Boston, Mass.
 Hadley, Hiram E., Seattle, Wash.
 Hadley, Lin H., Bellingham, Wash.
 Haff, Delbert J., Kansas City, Mo.
 Haga, Oliver O., Boise, Ida.
 Hagan, Alonzo C., Uniontown, Pa.
 Hagan, Henry M., Chicago, Ill.
 Hagar, Albert Francis, New York, N. Y.
 Hagerman, Frank, Kansas City, Mo.
 Hagerman, James, St. Louis, Mo.
 Hagerman, James, Jr., St. Louis, Mo.
 Hagerman, Lee W., St. Louis, Mo.
 Haggott, W. A., Idaho Springs, Col.
 Hagner, Alexander B., Washington, D. C.
 Hagood, Benjamin A., Charleston, S. C.

Hainer, Eugene J., Lincoln, Neb.
 Haines, Frank D., Middletown, Conn.
 Halbert, Clarence W., St. Paul, Minn.
 Hale, Clarence, Portland, Me.
 Hale, Frederick, Portland, Me.
 Hale, Richard W., Boston, Mass.
 Hale, William E., Minneapolis, Minn.
 Haley, George F., Biddeford, Me.
 Hall, Albert H., Minneapolis, Minn.
 Hall, Allen G., Nashville, Tenn.
 Hall, Almon, Toledo, Ohio.
 Hall, Damon E., Boston, Mass.
 Hall, Edward Kimball, Boston, Mass.
 Hall, F. Rockwood, Boston, Mass.
 Hall, Frank B., Worcester, Mass.
 Hall, Frank M., Lincoln, Neb.
 Hall, Frederick S., Taunton, Mass.
 Hall, Henry C., Colorado Springs, Col.
 Hall, James Parker, Chicago, Ill.
 Hall, John L., Boston, Mass.
 Hall, Matthew A., Omaha, Neb.
 Hall, Walter Perley, Boston, Mass.
 Hall, William M., Pittsburg, Pa.
 Hallam, Oscar, St. Paul, Minn.
 Hallett, Moses, Denver, Col.
 Halliday, Wilbur T., Hartford, Conn.
 Halloran, James Ambrose, Boston, Mass.
 Hallowell, J. Mott, Boston, Mass.
 Halverstadt, Dallas V., Seattle, Wash.
 Hamblen, L. R., Spokane, Wash.
 Hamblen, Lynne Ayres, Ridgway, Pa.
 Hamill, Charles H., Chicago, Ill.
 Hamilton, Alexander, Petersburg, Va.
 Hamilton, C. H., Milwaukee, Wis.
 Hamilton, George Earnest, Washington, D. C.
 Hamilton, Henry A., St. Louis, Mo.
 Hamilton, Samuel K., Boston, Mass.
 Hamlin, Charles, Bangor, Me.
 Hamlin, Charles S., Boston, Mass.
 Hamlin, Clarence C., Colorado Springs, Col.
 Hamlin, Frank, Chicago, Ill.
 Hamlin, Hannibal E., Ellsworth, Me.
 Hammond, Edwin P., Lafayette, Ind.
 Hammond, John C., Northampton, Mass.
 Hammond, Theodore A., Atlanta, Ga.
 Hammond, William R., Atlanta, Ga.
 Hampton, Hilton S., Tampa, Fla.
 Hampton, William Wade, Gainesville, Fla.
 Hanan, John W., La Grange, Ind.
 Hanchett, Benton, Saginaw, Mich.
 Hancock, W. Scott, St. Louis, Mo.
 Hand, Richard L., Elizabethtown, N. Y.
 Handly, Avery, Nashville, Tenn.

Hanford, Cornelius H., Seattle, Wash.
 Hanford, Solomon, New York, N. Y.
 Hanley, Martin Franklin, Minneapolis, Minn.
 Hanna, Meredith, Philadelphia, Pa.
 Hannan, Timothy J., Milwaukee, Wis.
 Hannigan, John E., Boston, Mass.
 Hansmann, Carl A., New York, N. Y.
 Hanten, John B., Watertown, S. D.
 Happy, Cyrus, Spokane, Wash.
 Hardin, John R., Newark, N. J.
 Harding, Charles F., Chicago, Ill.
 Hardy, Charles J., New York, N. Y.
 Hare, Montgomery, New York, N. Y.
 Hargest, William M., Harrisburg, Pa.
 Harker, Oliver A., Champaign, Ill.
 Harkless, James H., Kansas City, Mo.
 Harlan, Henry D., Baltimore, Md.
 Harley, Charles F., Baltimore, Md.
 Harlow, Leo P., Washington, D. C.
 Harmon, Henry A., Detroit, Mich.
 Harmon, Judson, Cincinnati, Ohio.
 Harper, Donald, Paris, France.
 Harper, Fred., Lynchburg, Va.
 Harper, Jacob Chandler, Cincinnati, Ohio.
 Harriman, Edward Avery, New Haven, Conn.
 Harris, Albert H., New York, N. Y.
 Harris, L. C., Duluth, Minn.
 Harris, S. H., Oklahoma City, Okla.
 Harris, W. O., Louisville, Ky.
 Harrison, C. Raleigh, Knoxville, Tenn.
 Harrison, George P., Opelika, Ala.
 Harrison, Randolph, Lynchburg, Va.
 Harrison, Robert L., New York, N. Y.
 Harrison, William B., Denver, Col.
 Harrity, William F., Philadelphia, Pa.
 Hart, Frank Wm., New Orleans, La.
 Hart, W. O., New Orleans, La.
 Hartigan, Michael A., Hastings, Neb.
 Hartman, Charles S., Bozeman, Mont.
 Hartman, John P., Seattle, Wash.
 Hartman, W. S., Bozeman, Mont.
 Hartman, William L., Pueblo, Col.
 Hartridge, John E., Jacksonville, Fla.
 Hartshorne, Charles H., Jersey City, N. J.
 Hartstone, Walter, Boston, Mass.
 Harvey, A. M., Topeka, Kan.
 Harvison, William G., Des Moines, Iowa.
 Harward, Frederick T., Detroit, Mich.
 Harwood, Edgar N., Butte, Mont.
 Harwood, Thomas E., Trenton, Tenn.
 Haskell, Frank H., Portland, Me.
 Haskell, Reuben L., Brooklyn, N. Y.
 Haskin, Lincoln B., Hempstead, N. Y.

- Haskins, David Greene, Jr., Boston, Mass.
 Hastings, H. H. A., Seattle, Wash.
 Hastings, W. G., Lincoln, Neb.
 Hatch, Edward W., New York, N. Y.
 Hatch, Harvey B., Marquette, Mich.
 Hatch, William B., Ypsilanti, Mich.
 Hatt, Samuel S., Albany, N. Y.
 Hatton, Goodrich, Portsmouth, Va.
 Havens, James S., Rochester, N. Y.
 Haviland, C. Augustus, Brooklyn, N. Y.
 Hawes, Gilbert Ray, New York, N. Y.
 Hawes, T. S., Bainbridge, Ga.
 Hawkes, S. N., Stockton, Kan.
 Hawkins, John J., Prescott, Ariz.
 Hawkins, Prince A., Reno, Nev.
 Hawkins, Ralph J., Patchogue, N. Y.
 Hawkins, Roscoe O., Indianapolis, Ind.
 Hawley, James H., Boise, Ida.
 Hawley, Jess B., Boise City, Idaho.
 Hawthorne, D. K., Jonesboro, Ark.
 Hay, Eugene G. (New York, N. Y.), Minneapolis, Minn.
 Hayden, Asa K., Cassopolis, Mich.
 Hayden, James H., Washington, D. C.
 Hayes, Alfred, Jr., Ithaca, N. Y.
 Hayes, Alfred S., Boston, Mass.
 Hayes, R. M., Minneapolis, Minn.
 Hayes, Thomas G., Baltimore, Md.
 Hayes, William A., Milwaukee, Wis.
 Hayes, William Allen, Boston, Mass.
 Hayes, William M., West Chester, Pa.
 Haymond, William T., Muncie, Ind.
 Haynes, H. N., Greeley, Col.
 Haynsworth, Henry J., Greenville, S. C.
 Hays, Samuel H., Boise, Ida.
 Hayt, Charles D., Denver, Col.
 Hayter, Oscar, Dallas, Ore.
 Hayward, Harry Woodford, New York, N. Y.
 Haywood, George P., Lafayette, Ind.
 Hazelton, Dallas M., Gouverneur, N. Y.
 Hazzard, Vernon, Monongahela, Pa.
 Healey, Robert E., Plattsburgh, N. Y.
 Healy, John J., Chicago, Ill.
 Heard, Nathan, Boston, Mass.
 Heath, Herbert M., Augusta, Me.
 Heath, James Elliott, Norfolk, Va.
 Heath, Sidney Moore, Hoquiam, Wash.
 Heaton, Owen N., Fort Wayne, Ind.
 Hebard, Frederic S., Chicago, Ill.
 Hebert, Clarence Samuel, New Orleans, La.
 Hedges, Job E., New York, N. Y.
 Heffernan, John J., Woonsocket, R. I.
 Hellier, Charles E., Boston, Mass.
 Helm, Lynn, Los Angeles, Cal.
 Hemenway, Alfred, Boston, Mass.
 Hemmens, Henry J., New York, N. Y.
 Hemphill, Joseph, West Chester, Pa.
 Henderson, George, Philadelphia, Pa.
 Henderson, John Leland, Hood River, Ore.
 Henderson, John M., Cleveland, Ohio.
 Henderson, Robert C., Norway, Mich.
 Henderson, Robert R., Cumberland, Md.
 Henderson, William G., Washington, D. C.
 Hendren, W. M., Winston-Salem, N. C.
 Hendricks, John Albert, Fosston, Minn.
 Hendry, Jno. Burke (London, Eng.), Philadelphia, Pa.
 Henning, Edw. J., Milwaukee, Wis.
 Henriques, E. F., New Orleans, La.
 Henriques, James C., New Orleans, La.
 Henry, George F., Des Moines, Iowa.
 Hensel, W. U., Lancaster, Pa.
 Hepburn, Charles M. (New York, N. Y.), Bloomington, Ind.
 Herbert, John, Boston, Mass.
 Herbert, R. Beverly, Columbia, S. C.
 Herman, Samuel A., Winsted, Conn.
 Herold, S. L., Shreveport, La.
 Herr, Willis B., Seattle, Wash.
 Herrick, John J., Chicago, Ill.
 Herrin, William J., San Francisco, Cal.
 Herring, William, Tucson, Ariz.
 Herrington, Cass E., Denver, Col.
 Herrington, Fred, Denver, Col.
 Hersey, Henry J., Denver, Col.
 Hersey, Arthur U., Boston, Mass.
 Hertzog, D. M., Uniontown, Pa.
 Hervey, James M., Roswell, N. M.
 Herz, Philip, Portland, Ore.
 Heselton, George W., Gardiner, Me.
 Hessberg, Albert, Albany, N. Y.
 Heuisler, Charles W., Baltimore, Md.
 Hewitt, Luther E., Philadelphia, Pa.
 Heyburn, Weldon B. (Washington, D. C.), Wallace, Ida.
 Hicks, James L., Monticello, Ill.
 Hicks, John T., Little Rock, Ark.
 Hicks, Thomas M. B., Williamsport, Pa.
 Hicks, Thurston T., Henderson, N. C.
 Hieatt, Clarence C., Louisville, Ky.
 Hiester, Isaac, Reading, Pa.
 Higdon, John C., St. Louis, Mo.
 Higginbotham, C. C., Buckhannon, W. Va.
 Higgins, Anthony, Wilmington, Del.
 Higgins, Frank M., Limerick, Me.
 Higgins, James H., Providence, R. I.

- Higgins, John C., Seattle, Wash.
 Higgins, William E., Lawrence, Kan.
 Hight, Clarence Albert, Boston, Mass.
 Hilburn, Samuel J., Palatka, Fla.
 Hildreth, Melvin A., Fargo, N. D.
 Hill, Arthur Dehon, Boston, Mass.
 Hill, Donald Mackay, Boston, Mass.
 Hill, George E., Bridgeport, Conn.
 Hill, Henry C., Lawrence, Kan.
 Hill, Henry W., Buffalo, N. Y.
 Hill, John Philip, Baltimore, Md.
 Hill, John W., Chicago, Ill.
 Hill, Joseph M., Fort Smith, Ark.
 Hill, Lysander, Chicago, Ill.
 Hill, Samuel, Portland, Ore.
 Hilles, William S., Wilmington, Del.
 Hills, George E., Boston, Mass.
 Hinckley, Frank L., Providence, R. I.
 Hines, Clark B., Bellville, Ohio.
 Hines, Edward W., Louisville, Ky.
 Hines, Walker D., New York, N. Y.
 Hinkley, John, Baltimore, Md.
 Hinton, Edward W., Columbia, Mo.
 Hirschberg, Henry, New York, N. Y.
 Hirsh, J., Vicksburg, Miss.
 Hisky, Thomas Foley, Baltimore, Md.
 Histed, Clifford, Kansas City, Mo.
 Hitch, Mayhew R., New Bedford, Mass.
 Hitch, Robert M., Savannah, Ga.
 Hitchcock, Arthur H., Jamestown, N. Y.
 Hitchcock, George C., St. Louis, Mo.
 Hitchcock, Loranus E., Boston, Mass.
 Hitchcock, Wm. Harold, Boston, Mass.
 Hitchings, Hector M., New York, N. Y.
 Hitz, William, Washington, D. C.
 Hoadly, George, Cincinnati, Ohio.
 Hoague, Theodore, Boston, Mass.
 Hobbs, Elon S., New York, N. Y.
 Hobbs, Fred A., South Berwick, Me.
 Hocker, Lou O., St. Louis, Mo.
 Hodgdon, C. W., Hoquiam, Wash.
 Hodge, J. Aspinwall, New York, N. Y.
 Hodges, Frank B., Syracuse, N. Y.
 Hodges, George L., Denver, Col.
 Hodges, William C., Tallahassee, Fla.
 Hodges, William V., Denver, Col.
 Hoffheimer, Harry M., Cincinnati, Ohio.
 Hogan, Frank J., Washington, D. C.
 Hogan, John W., Providence R. I.
 Hogate, Enoch G., Bloomington, Ind.
 Hogg, Charles E., Morgantown, W. Va.
 Hogsett, Thomas H., Cleveland Ohio.
 Holcomb, Alfred E., New York, N. Y.
 Holdom, Jesse, Chicago, Ill.
 Holland, Bert E., Boston, Mass.
 Holliday, Guy H., Boston, Mass.
 Holliday, John Hodgman, St. Louis, Mo.
 Holliday, Jos. G., St. Louis, Mo.
 Hollingsworth, Charles R., Ogden, Utah.
 Hollis, Allen, Concord, N. H.
 Hollister, Thomas, Cincinnati, Ohio.
 Holloway, William L., Helena, Mont.
 Holman, C. Vey (Boston Mass.), Bangor, Me.
 Holman, Frederick V., Portland, Ore.
 Holman, George Wilson, Rochester, Ind.
 Holman, W. A., Charleston, S. C.
 Holmes, Delevan A., New York, N. Y.
 Holmes, George, New York, N. Y.
 Holmes, J. M., St. Louis, Mo.
 Holsman, Henry B., Guthrie Center, Iowa.
 Holt, Andrew, Minneapolis, Minn.
 Holt, William G., Kansas City, Kan.
 Holway, Melvin Smith, Augusta, Me.
 Homans, Robert, Boston, Mass.
 Homer, Francis T., Baltimore, Md.
 Homes, Henry F., New York, N. Y.
 Hon, Daniel, Fort Smith, Ark.
 Hood, Louis, Newark, N. J.
 Hood, Thomas H., Denver, Col.
 Hooper, S. Henry, Boston, Mass.
 Hopkins, Arthur E., Louisville, Ky.
 Hopwood, R. F., Uniontown, Pa.
 Hornblower, William B., New York, N. Y.
 Horth, Ralph R., Grand Island, Neb.
 Hotchkiss, William Horace (Albany), Buffalo, N. Y.
 Hough, Charles M., New York, N. Y.
 Hough, Warwick, M., St. Louis, Mo.
 Houston, David W., Aberdeen, Miss.
 Houston, J. D., Wichita, Kan.
 Howard, Archibald, Binghamton, N. Y.
 Howard, Charles McH., Baltimore, Md.
 Howard, Charles Morris, Baltimore, Md.
 Howard, Clinton W., Bellingham, Wash.
 Howard, George H., Washington, D. C.
 Howe, Elmer P., Boston, Mass.
 Howe, James B., Seattle, Wash.
 Howe, William Reed, Orange, N. J.
 Howell, R. Boyle C., Nashville, Tenn.
 Howland, Paul, Cleveland, Ohio.
 Howry, Charles B. (Washington, D. C.), Oxford, Miss.
 Howson, Charles, Philadelphia, Pa.
 Hoyt, James H., Cleveland, Ohio.
 Hoyt, John P., Seattle, Wash.
 Hubachek, Frank R., Minneapolis, Minn.
 Hubbard, Harry, Newton Center, Mass.
 Hubbard, Nelson C., Wheeling, W. Va.

- Hubbard, Thomas H., New York, N. Y.
 Hubbard, William P., Wheeling, W. Va.
 Huberich, Charles Henry, San Francisco, Cal.
 Hubner, Henry H., Baltimore, Md.
 Huddy, George H., Jr., Providence, R. I.
 Hudson, E. M., New Orleans, La.
 Hudson, Frederick M., Miami, Fla.
 Hudson, James A., New York, N. Y.
 Hudson, Samuel H., Boston, Mass.
 Hudson, T. J., Fredonia, Kan.
 Huff, C. Floyd, Hot Springs, Ark.
 Hughes, Allen, Memphis, Tenn.
 Hughes, Charles E. (Washington, D. C.), New York, N. Y.
 Hughes, D. H., Paducah, Ky.
 Hughes, E. C., Seattle, Wash.
 Hughes, George T., Columbia, Tenn.
 Hughes, John T., Boston, Mass.
 Hughes, Robert M., Norfolk, Va.
 Hughes, Thomas, Baltimore, Md.
 Hughes, William L., New Orleans, La.
 Hughes, William W., Welch, W. Va.
 Hulbert, Robert A., Seattle, Wash.
 Hull, Hadlai A., New London, Conn.
 Humburg, Andrew P., Chicago, Ill.
 Hume, F. Charles, Jr., Houston, Tex.
 Humes, Augustine L., New York, N. Y.
 Humphrey, Burt Jay, Jamaica, N. Y.
 Humphries, John E., Seattle, Wash.
 Hundley, Oscar R., Birmingham, Ala.
 Huneke, William A., Spokane, Wash.
 Hunsaker, William J., Los Angeles, Cal.
 Hunt, Carleton, New Orleans, La.
 Hunt, Charles J., Cincinnati, Ohio.
 Hunt, N. B., Dixon, Ky.
 Hunt, Walter H., Newberry, S. C.
 Hunter, Ernest Howard, Philadelphia, Pa.
 Hunter, William, Tampa, Fla.
 Hunter, William R., Kankakee, Ill.
 Hunton, Eppa, Jr., Richmond, Va.
 Hurd, George F., New York, N. Y.
 Hurd, Harry B., Chicago, Ill.
 Hurd, Henry N., Claremont, N. H.
 Hurlbutt, Henry F., Boston, Mass.
 Hurley, Michael A., Wausau, Wis.
 Hussey, Charles Walter, Waterville, Me.
 Husted, Earl W., Everett, Wash.
 Hutchings, Henry M., Boston, Mass.
 Hutchins, Harry B., Ann Arbor, Mich.
 Hutchins, James C., Chicago, Ill.
 Hutchinson, Charles L., Portland, Me.
 Hutchison, William Easton, Garden City, Kan.
 Hyde, Charles C., Chicago, Ill.
 Hyde, James W., Chicago, Ill.
 Hyde, Simeon, Charleston, S. C.
 Hyde, Wesley W., Grand Rapids, Mich.
 Hyde, William W., Hartford, Conn.
 Hyzer, E. M., Chicago, Ill.
 Ingalsbe, Grenville M., Hudson Falls, N. Y.
 Ingersoll, Henry H., Knoxville, Tenn.
 Ingler, Francis M., Indianapolis, Ind.
 Ingraham, Robert J., Kansas City, Mo.
 Ingraham, William M., Portland, Me.
 Innes, Charles H., Boston, Mass.
 Irvine, Frank, Ithaca, N. Y.
 Irwin, Richard W., Northampton, Mass.
 Isaacs, Lewis M., New York, N. Y.
 Issenhuth, William, Redfield, S. D.
 Ives, Howard R., Portland, Me.
 Ives, J. Moss, Danbury, Conn.
 Ives, Morse, Chicago, Ill.
 Jackman, Ralph W., Madison, Wis.
 Jackson, Anson B., Minneapolis, Minn.
 Jackson, Clifford L., Muskogee, Okla.
 Jackson, R. E., Salisaw, Okla.
 Jacobs, Philip W., Boston, Mass.
 Jacobson, Isaac W., New York, N. Y.
 James, Benjamin F., Bowling Green, Ohio.
 James, Eldon R., Cincinnati, Ohio.
 James, Francis B., Cincinnati, Ohio.
 James, Henry, Jr., Boston, Mass.
 Jameson, Ovid B., Indianapolis, Ind.
 January, William L., Detroit, Mich.
 Jaquinth, Harry J., Boston, Mass.
 Jayne, H. LaBarre, Philadelphia, Pa.
 Jayne, Trafford N., Minneapolis, Minn.
 Jaynes, Robert T., Walhalla, S. C.
 Jeffords, Tracy L., Harpers Ferry, W. Va.
 Jeffries, George B., Uniontown, Pa.
 Jeffries, James H., Pineville, Ky.
 Jeffries, L. E., Selma, Ala.
 Jeffris, Malcolm G., Janesville, Wis.
 Jelke, Ferdinand, Jr., Cincinnati, Ohio.
 Jellinek, Edward L., Buffalo, N. Y.
 Jenckes, Thomas A., Providence, R. I.
 Jenkins, Frank E., Oxford, Mich.
 Jenkins, James G., Milwaukee, Wis.
 Jenkins, John B., Norfolk, Va.
 Jenkins, John J., Chippewa Falls, Wis.
 Jenks, Robert D., Philadelphia, Pa.
 Jennings, Andrew J., Fall River Mass.
 Jennings, Everett, Chicago, Ill.
 Jenswold, John, Jr., Duluth, Minn.
 Jessup, Henry Wynans, New York, N. Y.
 Jewett, Charles L., New Albany, Ind.

Jewett, Stephen S., Laconia, N. H.
 Job, Thomas C., Los Angeles, Cal.
 Jochem, George J., Peoria, Ill.
 Johnson, Andrew, Sanford, Fla.
 Johnson, B. S., Little Rock, Ark.
 Johnson, Benjamin N., Boston, Mass.
 Johnson, Charles F., Waterville, Me.
 Johnson, Charles P., St. Louis, Mo.
 Johnson, Edwin J., New York, N. Y.
 Johnson, George S., St. Louis, Mo.
 Johnson, H. Linsly, New York, N. Y.
 Johnson, Homer H., Cleveland, Ohio.
 Johnson, James V., Little Rock, Ark.
 Johnson, Melvin M., Boston, Mass.
 Johnson, Reginald H., Boston, Mass.
 Johnson, Richard H., Boise, Ida.
 Johnson, Royal C., Highmore, S. D.
 Johnson, Simeon M., Cincinnati, Ohio.
 Johnson, Thomas Lynn, Cleveland, Ohio.
 Johnson, William T., Kansas City, Mo.
 Johnston, Fred. S., Franklin, N. C.
 Johnston, Thomas J., New York, N. Y.
 Johnston, W. M., Billings, Mont.
 Joline, Adrian H., New York, N. Y.
 Jones, Arthur, Detroit, Mich.
 Jones, Asahel W., Burg Hill, Ohio.
 Jones, Boyd B., Boston, Mass.
 Jones, Burr W., Madison, Wis.
 Jones, Freeland, Bangor, Me.
 Jones, George W., Montgomery, Ala.
 Jones, Gustave, Newport, Ark.
 Jones, Howell, Topeka, Kan.
 Jones, J. Levering, Philadelphia, Pa.
 Jones, James C., St. Louis, Mo.
 Jones, John J., Chanute, Kan.
 Jones, Nathaniel N., Boston, Mass.
 Jones, Rankin D., Cincinnati, Ohio.
 Jones, Richard A., St. Louis, Mo.
 Jones, Richard Saxe, Seattle, Wash.
 Jones, Richmond L., Reading, Pa.
 Jones, Stephen R., Boston, Mass.
 Jones, Thomas G., Montgomery, Ala.
 Jonson, Jerrold A., Madisonville, Ky.
 Jordan, Michael J., Boston, Mass.
 Joslin, James T., Hudson, Mass.
 Joslin, Ralph Edgar, Boston, Mass.
 Joslyn, Charles D., Detroit, Mich.
 Joslyn, Charles M., Hartford, Conn.
 Joss, Frederick A., Indianapolis, Ind.
 Jourdan, Morton, St. Louis, Mo.
 Joyner, Herbert C., Great Barrington,
 Mass.
 Judah, Noble B., Chicago, Ill.
 Judge, John E., Plattsburgh, N. Y.
 Judson, Charles N., New York, N. Y.

Judson, Frederick N., St. Louis, Mo.
 Judson, George D., Lockport, N. Y.
 Junkin, Francis T. A., Chicago, Ill.
 Kaercher, Aaront Benj., Ortnville, Minn.
 Kagey, C. L., Beloit, Kan.
 Kahn, Louis L., New York, N. Y.
 Kales, Albert M., Chicago, Ill.
 Kalisch, Samuel, Newark, N. J.
 Kalish, Edwin L., New York, N. Y.
 Kane, Francis Fisher, Philadelphia, Pa.
 Kane, Matthew J., Guthrie, Okla.
 Kane, Michael N., Warwick, N. Y.
 Kane, Ralph K., Noblesville, Ind.
 Kappler, Charles J., Washington, D. C.
 Karcher, George H., Chicago, Ill.
 Katz, Maurice L., Worcester, Mass.
 Kavanagh, Marcus A., Chicago, Ill.
 Kay, James I., Pittsburg, Pa.
 Kay, William E., Jacksonville, Fla.
 Keasbey, Edward Q., Newark, N. J.
 Keating, Patrick M., Boston, Mass.
 Keaton, J. R., Oklahoma City, Okla.
 Keeble, John B., Nashville, Tenn.
 Keech, E. Parkin, Jr., Baltimore, Md.
 Keena, James T., Detroit, Mich.
 Keenan, Thomas J., Binghamton, N. Y.
 Keene, A. M., Fort Scott, Kan.
 Keene, Walter A., Seattle, Wash.
 Keener, William A., New York, N. Y.
 Keeney, Willard F., Grand Rapids, Mich.
 Kefover, Charles F., Uniontown, Pa.
 Kehr, Edward C., St. Louis, Mo.
 Keith, J. A. C., Warrenton, Va.
 Keith, Wm. C., Seattle, Wash.
 Kelby, James E., Omaha, Neb.
 Kellar, Chambers, Lead City, S. D.
 Kelleher, Daniel, Seattle, Wash.
 Kelleher, John, Seattle, Wash.
 Kellen, William V., Cohasset, Mass.
 Keller, C. A., San Antonio, Tex.
 Keller, Charles B., Omaha, Neb.
 Kelley, C. F., Butte, Mont.
 Kelley, James Edward, Boston, Mass.
 Kelley, William H., Richmond, Ind.
 Kellie, Ronald Scott, Detroit, Mich.
 Kellogg, Frank B., St. Paul, Minn.
 Kellogg, John P., Waterbury, Conn.
 Kellogg, Joseph A., Glens Falls, N. Y.
 Kellogg, L. Laffin, New York, N. Y.
 Kelly, George Thomas, Chicago, Ill.
 Kelly, Harry E., Denver, Col.
 Kelly, James A., New York, N. Y.
 Kelly, Thomas, Boston, Mass.
 Kemp, Bolivar, E., Amite, La.
 Kemp, John W., Los Angeles, Cal.

- Lile, William Minor, University, Va.
 Lillard, J. W., Decatur, Tenn.
 Lillev. Charles S., Lowell, Mass.
 Lillie, Walter I., Grand Haven, Mich.
 Lincoln, Alexander, Boston, Mass.
 Lincoln, Arba N., Fall River, Mass.
 Lind, John, Minneapolis, Minn.
 Lindley, Curtis H., San Francisco, Cal.
 Lindley, Erasmus C., St. Paul, Minn.
 Lindsay, John D., New York, N. Y.
 Lindsey, Edward, Warren, Pa.
 Lindsley, Henry A., Denver, Col.
 Lines, George, Milwaukee, Wis.
 Ling, Reese M., Prescott, Ariz.
 Linn, William B., Philadelphia, Pa.
 Linscott, Frank K., Boston, Mass.
 Linthicum, Charles C., Chicago, Ill.
 Linthicum, S. B., Portland, Ore.
 Lionberger, Isaac H., St. Louis, Mo.
 Little, Amos R., Boston, Mass.
 Littlefield, Charles E., New York, N. Y.
 Littlefield, Nathan W., Providence, R. I.
 Littleton, Jesse M., Winchester, Tenn.
 Lloyd, Malcolm, Jr., Philadelphia, Pa.
 Locke, James W., Jacksonville, Fla.
 Lockwood, Benoni, New York, N. Y.
 Lockwood, Harry A., Detroit, Mich.
 Lockwood, Virgil H., Indianapolis, Ind.
 Loesch, Frank J., Chicago, Ill.
 Loewenthal, Max, Los Angeles, Cal.
 Loewy, Benno, New York, N. Y.
 Lonabaugh, E. E., Sheridan, Wyo.
 Long, Armistead R., Lynchburg, Va.
 Long, Augustus V., Starke, Fla.
 Long, Henry C., Boston, Mass.
 Long, Howard Marshall, Philadelphia, Pa.
 Loomis, N. H., Omaha, Neb.
 Loomis, Seymour C., New Haven, Conn.
 Lord, Arthur, Boston, Mass.
 Lord, Frank E., Chicago, Ill.
 Lorenzen, Ernest G. (Madison, Wis.),
 New York, N. Y.
 Loring, Victor J., Boston, Mass.
 Lothrop, Thornton K., Jr., Boston, Mass.
 Loughborough, J. F., Little Rock, Ark.
 Loveday, Walter, Tacoma, Wash.
 Lovell, Herbert M., Elmira, N. Y.
 Lovett, Robert S., New York, N. Y.
 Loving, Lucas P., Washington, D. C.
 Lowden, Frank O., Oregon, Ill.
 Lowell, Francis C., Boston, Mass.
 Lowell, James A., Boston, Mass.
 Lowell, John, Boston, Mass.
 Loyall, W. H. T., Norfolk, Va.
 Lucas, O. A., Kansas City, Mo.
 Lucky, Cornelius E., Knoxville, Tenn.
 Ludden, William H., Spokane, Wash.
 Ludwig, John O., Milwaukee, Wis.
 Lueck, Martin L., Juneau, Wis.
 Lueders, Henry W., Tacoma, Wash.
 Luke, Roscoe, Thomasville, Ga.
 Lumbert, Wallace R., Caribou, Me.
 Lund, Charles P., Spokane, Wash.
 Lund, R. H., Tacoma, Wash.
 Lung, Henry W., Seattle, Wash.
 Lunt, Horace G., Colorado Springs, Col.
 Lustgarten, William, New York, N. Y.
 Lyell, Gordon G., Jackson, Miss.
 Lyford, Will H., Chicago, Ill.
 Lyles, William H., Columbia, S. C.
 Lyman, Richard E., Providence, R. I.
 Lynch, James J., Chattanooga, Tenn.
 Lynch, Thomas J., Augusta, Me.
 Lynn, John D., Rochester, N. Y.
 Lynn, Wauhope, New York, N. Y.
 Lyon, Adrian, Perth Amboy, N. J.
 Lyon, Luther M., Payette, Ida.
 Lyon, Montague, St. Louis, Mo.
 Lyon, Walter, Pittsburg, Pa.
 Lyons, Martin, St. Louis, Mo.
 Lyster, Henry L., Detroit, Mich.
 Maass, Herbert H., New York, N. Y.
 Mabry, Giddings E., Tampa, Fla.
 MacChesney, Nathan William, Chicago,
 Ill.
 Macdonald, Eugene Spencer, New York,
 N. Y.
 MacDonald, William J., Calumet, Mich.
 MacEldowney, William A., Philadelphia,
 Pa.
 Mack, Julian W., Chicago, Ill.
 Mack, William, New York, N. Y.
 Mackall, William W., Savannah, Ga.
 Mackenzie, Kenneth K., New York, N. Y.
 Mackenzie, Thomas, Baltimore, Md.
 Mackintosh, Kenneth, Seattle, Wash.
 Mackoy, Harry Brent, Cincinnati, Ohio.
 Mackoy, William H., Cincinnati, Ohio.
 MacLane, John F., Boise, Ida.
 Macleod, William A., Boston, Mass.
 Macpherson, Ernest, Louisville, Ky.
 Madden, Joseph, Keene, N. H.
 Maddin, Percy D., Nashville, Tenn.
 Maddox, George Edward, Rome, Ga.
 Maddox, Samuel, Washington, D. C.
 Madigan, John B., Houlton, Me.
 Madison, Charles C., Kansas City, Mo.
 Madison, E. H., Dodge City, Kan.
 Maffett, James T., Clarion, Pa.
 Magavern, William J., Buffalo, N. Y.

Magenis, James P., Boston, Mass.
 Mahan, George A., Hannibal, Mo.
 Mahoney, Timothy J., Omaha, Neb.
 Mahony, Charles L., Chicago, Ill.
 Main, John F., Seattle, Wash.
 Major, Elliott W., Jefferson City, Mo.
 Mallory, H. S. D., Selma, Ala.
 Mallory, Rollin B., Milwaukee, Wis.
 Malone, Dana, Greenfield, Mass.
 Malone, James E., Juneau, Wis.
 Malone, Thomas H., Jr., Nashville, Tenn.
 Maltbie, Theodore M., Hartford, Conn.
 Manchester, William C., Detroit, Mich.
 Manderson, Charles F., Omaha, Neb.
 Mandeville, H. C., Elmira, N. Y.
 Manierre, George W., Chicago, Ill.
 Manly, Clement, Winston-Salem, N. C.
 Manly, George C., Denver, Col.
 Mann, Edward A., Albuquerque, N. M.
 Mann, Richard M., Texarkana, Ark.
 Mann, Samuel H., Forrest City, Ark.
 Manning, James S., Durham, N. C.
 Manning, Middleton J., Little Rock, Ark.
 Manser, Harry, Auburn, Me.
 Mansfield, Burton, New Haven, Conn.
 Manson, Lester C., Milwaukee, Wis.
 Marbury, William L., Baltimore, Md.
 Marden, Oscar A., Boston, Mass.
 Marlatt, Herbert R., St. Louis, Mo.
 Marrero, L. H., Jr., New Orleans, La.
 Marshall, Alexander, Duluth, Minn.
 Marshall, Edwin J., Toledo, Ohio.
 Marshall, James Markham, New York, N. Y.
 Marshall, Louis, New York, N. Y.
 Marshall, R. E. Lee, Baltimore, Md.
 Marston, Thomas B., Chicago, Ill.
 Martin, Benjamin F., Anderson, S. C.
 Martin, F. L., Hutchinson, Kan.
 Martin, Francis, Chattanooga, Tenn.
 Martin, George C., Brooksville, Fla.
 Martin, Horace H., Chicago, Ill.
 Martin, J. Willis, Philadelphia, Pa.
 Martin, Julius C., Asheville, N. C.
 Martin, Thomas W., Montgomery, Ala.
 Martin, W. H., Hot Springs, Ark.
 Martin, William J., New York, N. Y.
 Martin, William Parmenter, New York, N. Y.
 Martindale, Charles, Indianapolis, Ind.
 Martineau, Laumat L., St. John, N. D.
 Marx, Benj. L., Honolulu, Hawaii.
 Marx, Frederick Z., Chicago, Ill.
 Mason, Alfred F., St. Paul, Minn.
 Mason, Herbert Delavan, New York, N. Y.

Mason, John Rogers, Bangor, Me.
 Mason, John W., Northampton, Mass.
 Mason, Norman T., Deadwood, S. D.
 Massey, Louis C., Orlando, Fla.
 Massie, Eugene C., Richmond, Va.
 Mastick, Seabury C., New York, N. Y.
 Matheny, James H., Springfield, Ill.
 Mather, Robert, New York, N. Y.
 Matheson, Alexander E., Janesville, Wis.
 Mathewson, Albert McClellan, New Haven, Conn.
 Mathewson, Charles F., New York, N. Y.
 Matters, Thomas H., Omaha, Neb.
 Matteson, Archibald C., Providence, R. I.
 Matteson, Charles, Providence, R. I.
 Matthews, C. Bentley, Cincinnati, Ohio.
 Matthews, Fred V., Portland, Me.
 Matthews, Matthew C., Dubuque, Iowa.
 Matthews, Mortimer, Cincinnati, Ohio.
 Matthews, William M., Okmulgee, Okla.
 Matthews, William S., Berwick, Me.
 Matz, Rudolph, Chicago, Ill.
 Mauldin, Oscar K., Greenville, S. C.
 Maxon, Glenway, Milwaukee, Wis.
 Maxwell, Evelyn C., Pensacola, Fla.
 Maxwell, John M., Denver, Col.
 Maxwell, Lawrence, Cincinnati, Ohio.
 May, Henry F., Denver, Col.
 May, Marcus B., Boston, Mass.
 Mayer, Levy, Chicago, Ill.
 Mayes, Robert B., Jackson, Miss.
 Mayfield, J. E., Cleveland, Tenn.
 Maynard, James Jr., Knoxville, Tenn.
 Meaher, Dennis A., Portland, Me.
 Meares, Iredelle, Wilmington, N. C.
 Mecartney, Harry S., Chicago, Ill.
 Mechem, Floyd R., Chicago, Ill.
 Meeker, Rollin W., Binghamton, N. Y.
 Mehaffey, T. M., Little Rock, Ark.
 Mehan, William A., Ballston Spa, N. Y.
 Meldrim, Peter W., Savannah, Ga.
 Mellen, Chase, New York, N. Y.
 Melvin, Ridgely P., Annapolis, Md.
 Mendenhall, Mark F., Spokane, Wash.
 Mercer, David H., Omaha, Neb.
 Mercer, Hugh V., Minneapolis, Minn.
 Merchant, Henry D., New York, N. Y.
 Mercur, Rodney A., Towanda, Pa.
 Meredith, Charles V., Richmond, Va.
 Merrick, Charles D., Parkersburg, W. Va.
 Merrick, Duff, Asheville, N. C.
 Merrick, Edwin T., New Orleans, La.
 Merrick, George Peck, Chicago, Ill.
 Merrill, Jos. Hansell, Thomasville, Ga.
 Merritt, Seabury, Spokane, Wash.

Mervine, Nicholas P., Altoona, Pa.
 Meserve, Edwin A., Los Angeles, Cal.
 Mestrezat, S. Leslie, Uniontown, Pa.
 Metcalf, Charles W., Memphis, Tenn.
 Metcalf, Charles W., Pineville, Ky.
 Metcalf, William P., Memphis, Tenn.
 Meyer, Walter E., New York, N. Y.
 Meyers, Sidney S., New York, N. Y.
 Michaels, Wm. C., Kansas City, Mo.
 Michelman, Joseph, Boston, Mass.
 Michener, L. T., Washington, D. C.
 Mikell, William E., Philadelphia, Pa.
 Milburn, John G., New York, N. Y.
 Miles, Charles, Peoria, Ill.
 Miles, Joshua W., Princess Anne, Md.
 Miles, Lovick P., Fort Smith, Ark.
 Miles, Oscar L., Fort Smith, Ark.
 Miles, William P., Sidney, Neb.
 Miles, Willard W., Barton, Vt.
 Millan, William W., Washington, D. C.
 Miller, Benjamin K., Milwaukee, Wis.
 Miller, Charles A., Bolivar, Tenn.
 Miller, Charles E., South Bend, Wash.
 Miller, Charles W., Indianapolis, Ind.
 Miller, Clarence B. (Washington, D. C.),
 Duluth, Minn.
 Miller, E. Spencer, Philadelphia, Pa.
 Miller, Fred, Spokane, Wash.
 Miller, George P., Milwaukee, Wis.
 Miller, Hugh Gordon, New York, N. Y.
 Miller, Jesse A., Des Moines, Iowa.
 Miller, John D., New Orleans, La.
 Miller, John G., Cumberland, Md.
 Miller, John S., Chicago, Ill.
 Miller, Robert N., Hazlehurst, Miss.
 Miller, Sidney T., Detroit, Mich.
 Miller, T. M., New Orleans, La.
 Miller, T. S., Dallas, Tex.
 Miller, W. B., Chattanooga, Tenn.
 Miller, William K., Augusta, Ga.
 Miller, William N., Parkersburg, W. Va.
 Miller, William W., New York, N. Y.
 Milliken, John D., Denver, Col.
 Millikin, E. E., Los Angeles, Cal.
 Milling, R. E., New Orleans, La.
 Millis, Wade, Detroit, Mich.
 Milner, Purnell M., New Orleans, La.
 Milnor, M. Cleiland, New York, N. Y.
 Miner, Sidney R., Wilkesbarre, Pa.
 Minis, Abram, Savannah, Ga.
 Minor, Benjamin S., Washington, D. C.
 Minor, H. Dent, Memphis, Tenn.
 Minor, Raleigh C., Charlottesville, Va.
 Minor, Wirt, Portland, Ore.
 Minton, Francis L., New York, N. Y.

Mitchell, Henry L., Bangor, Me.
 Mitchell, John M., Concord, N. H.
 Mitchell, John R., Olympia, Wash.
 Mitchell, Joseph V., New York, N. Y.
 Mitchell, Oscar, Duluth, Minn.
 Mitchell, Robert Chamberlain, New York,
 N. Y.
 Mitchell, William D., St. Paul, Minn..
 Mix, George E., St. Louis, Mo.
 Moats, Francis P., Parkersburg, W. Va.
 Mocquot, James Dennis, Paducah, Ky.
 Moffat, R. Burnham, New York, N. Y.
 Moffit, John T., Tipton, Iowa.
 Mohun, Barry, Washington, D. C.
 Mollette, A. Rex, Durango, Col.
 Mollohan, Wesley, Charleston, W. Va.
 Moloney, Robert E., St. Louis, Mo.
 Mondragon, Miguel Guerra, San Juan,
 P. R.
 Monohan, James, Minneapolis, Minn.
 Monroe, Charles, Los Angeles, Cal.
 Monroe, Chas. E., Milwaukee, Wis.
 Monroe, J. Blanc, New Orleans, La.
 Montague, Richard W., Portland, Ore.
 Monteith, George E., Brushton, N. Y.
 Montgomery, Carroll S., Omaha, Neb.
 Montgomery, J. A., Fargo, N. D.
 Montgomery, John R., Chicago, Ill.
 Montgomery, Oscar H., Seymour, Ind.
 Montgomery, Samuel A., New Orleans, La.
 Montgomery, Wm. S., New York, N. Y.
 Moody, Cary C., Greenville, Miss.
 Moonan, John, Waseca, Minn.
 Mooney, Edmund L., New York, N. Y.
 Mooney, Henry, New Orleans, La.
 Moore, Albert R., St. Paul, Minn.
 Moore, Charles A., Asheville, N. C.
 Moore, F. A., Salem, Ore.
 Moore, Felix W., Union City, Tenn.
 Moore, Henry, Texarkana, Ark.
 Moore, I. D., New Orleans, La.
 Moore, J. McCabe, Kansas City, Kan.
 Moore, John Bassett, New York, N. Y.
 Moore, John M., Little Rock, Ark.
 Moore, Joseph B., Lansing, Mich.
 Moore, Joseph E., Thomaston, Me.
 Moore, Samuel E. N., Johnson City,
 Tenn.
 Moore, William F., Guthrie Center, Iowa.
 Moores, Charles W., Indianapolis, Ind.
 Moores, Merrill, Indianapolis, Ind.
 Moorhead, Forest G., Beaver, Pa.
 Moorhead, Harley G., Omaha, Neb.
 Moose, William L., Morillon, Ark.
 Moot, Adelbert, Buffalo, N. Y.

Morales, Luis Munoz, San Juan, P. R.
 Mordecai, T. Moultrie, Charleston, S. C.
 More, Clair E., Chicago, Ill.
 Morgan, Charles E., Jr., Philadelphia, Pa.
 Morgan, Frank L., Hoquiam, Wash.
 Morgan, George Wilson, New York, N. Y.
 Morgan, Henry A., Albert Lea, Minn.
 Morgan, Randall, Philadelphia, Pa.
 Morgan, William A., Providence, R. I.
 Morgan, William B., Trinidad, Col.
 Morphy, E. Howard, St. Paul, Minn.
 Morrill, Donald L., Chicago, Ill.
 Morrill, John A., Auburn, Me.
 Morris, Heman W., Rochester, N. Y.
 Morris, John, Fort Wayne, Ind.
 Morris, Page, Duluth, Minn.
 Morris, Robert O., New York, N. Y.
 Morris, Roland S., Philadelphia, Pa.
 Morris, Thomas J., Baltimore, Md.
 Morris, William R., Minneapolis, Minn.
 Morrison, John T., Boise, Ida.
 Morrison, Robert E., Prescott, Ariz.
 Morrison, Samuel, Seattle, Wash.
 Morrow, Dwight W., New York, N. Y.
 Morrow, Robert G., Portland, Ore.
 Morshauser, Joseph, Poughkeepsie, N. Y.
 Morse, A. Porter, Washington, D. C.
 Morse, Godfrey, Boston, Mass.
 Morse, Robert M., Boston, Mass.
 Morse, Waldo G., New York, N. Y.
 Morse, William A., Boston, Mass.
 Morsman, Edgar M., Jr., Omaha, Neb.
 Morton, Elbert C., Columbus, Ohio.
 Morton, Geo. E., Milwaukee, Wis.
 Morton, Henry Samuel, New York, N. Y.
 Morton, James M., Jr., Fall River, Mass.
 Morton, Marcus, Boston, Mass.
 Morton, William O., Los Angeles, Cal.
 Moses, Jacob M., Baltimore, Md.
 Mosher, Lewis E., Elmira, N. Y.
 Mosier, John H., Muskogee, Okla.
 Moss, Frank, New York, N. Y.
 Moss, Roswell R., Elvira, N. Y.
 Mott-Smith, Ernest A., Honolulu, Hawaii.
 Mouat, Malcolm O., Janesville, Wis.
 Mountcastle, R. E. L., Knoxville, Tenn.
 Mowatt, Fred. W., Boston, Mass.
 Mower, George Sewall, Newberry, S. C.
 Mueller, Oscar C., Los Angeles, Cal.
 Muhlfelder, David, Albany, N. Y.
 Muir, William T., Portland, Ore.
 Mulkey, Frederick W., Portland, Ore.
 Mullen, William E., Cheyenne, Wyo.
 Mullin, Francis B., Brooklyn, N. Y.

Mullin, Michael A., Baltimore, Md.
 Mulvane, David W., Topeka, Kan.
 Mumford, Charles C., Providence, R. I.
 Munday, Charles F., Seattle, Wash.
 Munger, William H., Omaha, Neb.
 Munn, George Ladd, Seattle, Wash.
 Munn, Marcus D., St. Paul, Minn.
 Munroe, James M., Annapolis, Md.
 Munson, C. LaRue, Williamsport, Pa.
 Murchie, Guy, Boston, Mass.
 Murdock, John S., Providence, R. I.
 Murphy, Charles J., Grand Forks, N. D.
 Murphy, Daniel D., Elkader, Iowa.
 Murphy, George A., Muskogee, Okla.
 Murphy, James B., Seattle, Wash.
 Murphy, James Dixon, Asheville, N. C.
 Murphy, John A., Superior, Wis.
 Murray, A. Gordon, New York, N. Y.
 Murray, Charles A., Tacoma, Wash.
 Murray, Wm. F., Boston, Mass.
 Murrell, William M., Lynchburg, Va.
 Murtha, Thomas F., New York, N. Y.
 Musgrave, Harrison, Chicago, Ill.
 Myers, James J., Boston, Mass.
 Myers, Nathaniel, New York, N. Y.
 Myers, Quincy A., Logansport, Ind.
 Myrick, N. Sumner, Boston, Mass.
 McAllister, Henry, Jr., Denver, Col.
 McAlpin, Henry, Savannah, Ga.
 McAlpine, John W., Mobile, Ala.
 McAnarney, John W., Boston, Mass.
 McArdle, P. L., Chicago, Ill.
 McCaffrey, Joseph J., Providence, R. I.
 McCall, Edward E., New York, N. Y.
 McCalmont, Edward S., Washington, D. C.
 McCamic, Charles, Wheeling, W. Va.
 McCarter, Edward B. (7 New Square, Lincoln's Inn, London, E. C.).
 McCarter, Robert H., Newark, N. J.
 McCarthy, Charles T., Glen Cove, N. Y.
 McCarthy, M. B., Toledo, Ohio.
 McChesney, S. P., St. Louis, Mo.
 McClain, Emlin, Iowa City, Iowa.
 McClay, Samuel, Pittsburg, Pa.
 McClenahan, William S., Brainerd, Minn.
 McClench, William W., Springfield, Mass.
 McClendon, James W., Austin, Tex.
 McClennen, Edward F., Boston, Mass.
 McClintock, Andrew H., Wilkes-Barre, Pa.
 McClintock, W. S., Topeka, Kan.
 McCloskey, Bernard, New Orleans, La.
 McClung, Wm. H., Pittsburg, Pa.
 McClure, David, New York, N. Y.
 McClure, Harold M., Lewisburg, Pa.

- McClure, Henry F., Seattle, Wash.
 McClure, Walter A., Seattle, Wash.
 McClure, William E., Seattle, Wash.
 McCombs, William F., New York, N. Y.
 McConlogue, James H., Mason City, Iowa.
 McConnell, James, New Orleans, La.
 McConnell, James E., Boston, Mass.
 McCook, John J., New York, N. Y.
 McCook, Philip James, New York, N. Y.
 McCord, E. S., Seattle, Wash.
 McCordic, Alfred E., Chicago, Ill.
 McCormick, Joseph Manson, Dallas, Tex.
 McCormick, Robert H., Jr., Chicago, Ill.
 McCouch, H. Gordon, Philadelphia, Pa.
 McCrary, A. J., Binghamton, N. Y.
 McCrea, Wm. M., Salt Lake City, Utah.
 McCreery, James W., Greeley, Col.
 McCroskey, R. L., Colfax, Wash.
 McCulloch, Frank H., Chicago, Ill.
 McCulloh, Allan, New York, N. Y.
 McCullough, John G., No. Bennington, Vt.
 McDaniels, John H., Ellensburg, Wash.
 McDermott, Edward J., Louisville, Ky.
 McDermott, Frank P., Jersey City, N. J.
 McDonald, Charles G., Omaha, Neb.
 McDonald, E. E., Bemidji, Minn.
 McDonald, Edward L., Louisville, Ky.
 McDonald, Jesse, St. Louis, Mo.
 McDonald, Will T., Bay St. Louis, Miss.
 McDonnell, Thos. F. I., Providence, R. I.
 McDonough, Charles A., Boston, Mass.
 McDonough, Frank, Sr., Denver, Col.
 McDonough, James B., Fort Smith, Ark.
 McDougal, D. A., Sapulpa, Okla.
 McDougall, D. C., Malad City, Ida.
 McDougle, Walter E., Parkersburg, W. Va.
 McElheny, Victor K., Jr., New York, N. Y.
 McElroy, John H., Chicago, Ill.
 McEvoy, John W., Lowell, Mass.
 McEwen, Willard M., Chicago, Ill.
 McGarry, Thomas F., Jacksonville, Fla.
 McGee, George A., Minot, N. D.
 McGee, J. F., Minneapolis, Minn.
 McGill, J. Nota, Washington, D. C.
 McGoeck, Arthur N., West Allis, Wis.
 McGoorty, John P., Chicago, Ill.
 McGuire, Frank L., New London, Conn.
 McGuire, Horace, Rochester, N. Y.
 McGuirk, Arthur, New Orleans, La.
 McHugh, Charles A., Roanoke, Va.
 McHugh, Philip A., Detroit, Mich.
 McHugh, William D., Omaha, Neb.
 McIlvaine, Tompkins, New York, N. Y.
 McInnes, Edwin G., Boston, Mass.
 McIntosh, James H., New York, N. Y.
 McIntyre, John F., New York, N. Y.
 McKeehan, Joseph P., Carlisle, Pa.
 McKelvey, Charles W., New York, N. Y.
 McKenna, Thomas P., New York, N. Y.
 McKenney, Frederic D., Washington, D. C.
 McKenzie, H. B., Prescott, Ark.
 McKenzie, John, Minneapolis, Minn.
 McKinley, J. W., Los Angeles, Cal.
 McKinney, William M., Northport, N. Y.
 McKnight, Richard, Denver, Col.
 McLanahan, George K., Washington, D. C.
 McLaughlin, A. A., Des Moines, Iowa.
 McLaughlin, John D., Boston, Mass.
 McLaurin, Lauch, Austin, Tex.
 McLaurin, R. L., Vicksburg, Miss.
 McLean, Donald, New York, N. Y.
 McLeod, W. D., Kansas City, Mo.
 McMahon, Fulton, New York, N. Y.
 McMahon, J. Sprigg, Dayton, Ohio.
 McMahon, John D., Rome, N. Y.
 McMahon, John J., Washington, D. C.
 McManus, Terence J., New York, N. Y.
 McMicken, Maurice, Seattle, Wash.
 McMillan, Philip H., Detroit, Mich.
 McMillan, Raymond J., Tacoma, Wash.
 McMullen, Donald C., Tampa, Fla.
 McNary, John H., Salem, Ore.
 McNulty, William D., New York, N. Y.
 McNutt, John F., Rockwood, Tenn.
 McPheely, John L., Minden, Neb.
 McPherson, Smith, Redoak, Iowa.
 McQuillan, George F., Portland, Me.
 McRae, Thomas C., Prescott, Ark.
 McReynolds, James C. (New York, N. Y.), Nashville, Tenn.
 McSurely, William H., Chicago, Ill.
 McSwain, J. J., Greenville, S. C.
 McTeer, Will A., Maryville, Tenn.
 McWhorter, Hamilton, Athens, Ga.
 McWilliams, Howard, New York, N. Y.
 McWillie, Thomas A., Jackson, Miss.
 Nagel, Charles (Washington, D. C.), St. Louis, Mo.
 Nardin, William T., St. Louis, Mo.
 Nash, Lyman J., Manitowoc, Wis.
 Nathan, Edgar J., New York, N. Y.
 Nathan, Harold, New York, N. Y.
 Naumburg, Bernard, New York, N. Y.
 Nay, Frank N., Boston, Mass.
 Neale, George H., Bisbee, Ariz.

- Near, Irvin W., Hornell, N. Y.
 Negroni, J. Salvador Amill, Mayaguez, P. R.
 Neil, M. M., Trenton, Tenn.
 Neilson, William D., Philadelphia, Pa.
 Nellis, Andrew J., Albany, N. Y.
 Nelson, Patrick H., Columbia, S. C.
 Nelson, William S., Columbia, S. C.
 Nemmers, E. P., Milwaukee, Wis.
 Neville, Arthur Couretnay, Green Bay, Wis.
 Neville, James H., Gulfport, Miss.
 New, Alexander, Kansas City, Mo.
 Newbegin, Henry, Defiance, Ohio.
 Newberger, Louis, Indianapolis, Ind.
 Newell, James M., Boston, Mass.
 Newell, William H., Lewiston, Me.
 Newlin, Gurney E., Los Angeles, Cal.
 Newman, Claire B., Jackson, Tenn.
 Newman, Jacob, Chicago, Ill.
 Newman, Thomas G., Bellingham, Wash.
 Newton, Henry G., New Haven, Conn.
 Niblack, William C., Chicago, Ill.
 Nichols, George L., New York, N. Y.
 Nichols, H. S. P., Philadelphia, Pa.
 Nicoll, De Lancey, New York, N. Y.
 Nicolson, John, New York, N. Y.
 Nields, Benjamin, Wilmington, Del.
 Nields, John P., Wilmington, Del.
 Niezer, Charles M., Fort Wayne, Ind.
 Niles, Alfred S., Baltimore, Md.
 Niles, Edward C., Concord, N. H.
 Niles, Henry C., York, Pa.
 Niles, William H., Lynn, Mass.
 Noble, Daniel, Jamaica, N. Y.
 Noble, Herbert, New York, N. Y.
 Noble, John W., St. Louis, Mo.
 Noel, James W., Indianapolis, Ind.
 Noffsinger, W. N., Kalispell, Mont.
 Nolan, Thomas S., Janesville, Wis.
 Norris, H. F., Tacoma, Wash.
 Norris, Mark, Grand Rapids, Mich.
 Norris, Myron A., Youngstown, Ohio.
 Norris, William H., Manchester, Iowa.
 North, Jerome Reynolds, Green Bay, Wis.
 Northcutt, Jesse G., Trinidad, Col.
 Norton, N. W., Forrest City, Ark.
 Norton, Porter, Buffalo, N. Y.
 Norton, T. J., Chicago, Ill.
 Nortoni, Albert D., St. Louis, Mo.
 Norwood, C. Augustus, Boston, Mass.
 Norwood, Carlisle, New York, N. Y.
 Nottingham, Edwin, Syracuse, N. Y.
 Nottingham, Wm., Syracuse, N. Y.
 Noxon, John F., Pittsfield, Mass.
 Noyes, George F., Portland, Me.
 Nugent, John F., Boise, Ida.
 Nutter, George R., Boston, Mass.
 Nuzum, Richard W., Spokane, Wash.
 Nye, Carroll A., Moorhead, Minn.
 Oakes, Charles, New York, N. Y.
 O'Brien, Edward D., New York, N. Y.
 O'Brien, James Edward, Minneapolis, Minn.
 O'Brien, Morgan J., New York, N. Y.
 O'Brien, Thomas J., Grand Rapids, Mich.
 O'Brien, William J., Jr., Baltimore, Md.
 O'Byrne, M. A., Savannah, Ga.
 O'Connell, J. M., Bisbee, Ariz.
 O'Connell, Joseph F., Boston, Mass.
 O'Connor, Charles J., Chicago, Ill.
 O'Connor, Francis J., Johnstown, Pa.
 O'Connor, Keyran J., New York, N. Y.
 Odell, Wm. Collins, Chaska, Minn.
 Odom, Patrick H., Jacksonville, Fla.
 O'Donnell, James E., Lowell, Mass.
 O'Donnell, Joseph A., Chicago, Ill.
 O'Donnell, Lawrence, New Orleans, La.
 O'Donnell, Thomas J., Denver, Col.
 O'Dunne, Eugene, Baltimore, Md.
 Oeland, Isaac R., Brooklyn, N. Y.
 Offield, Charles K., Chicago, Ill.
 Offutt, Thiemann Scott, Towson, Md.
 Ogden, Howard N., Chicago, Ill.
 Ogden, Hugh W., Boston, Mass.
 Ogden, Lewis M., Milwaukee, Wis.
 O'Gorman, James A., New York, N. Y.
 O'Harra, Apollos W., Carthage, Ill.
 Olcott, J. Van Vechten, New York, N. Y.
 Old, William W., Jr., Norfolk, Va.
 Oldham, Robert P., Seattle, Wash.
 Olin, John M., Madison, Wis.
 Olliphant, Horace K., Bartow, Fla.
 Olmstead, James M., Boston, Mass.
 Olmsted, Marlin E., Harrisburg, Pa.
 Olney, Richard, Boston, Mass.
 O'Neal, Emmett, (Montgomery) Florence, Ala.
 O'Neill, Grosvenor P., Seattle, Wash.
 O'Neill, Charles A., Franklin, La.
 O'Neill, Harry E., Tuckerville, Neb.
 Ong, Eugene W., Boston, Mass.
 Opdyke, Alfred, New York, N. Y.
 Opdyke, William S., New York, N. Y.
 Orr, Isaac H., St. Louis, Mo.
 Orr, James W., Atchison, Kan.
 Orrick, Allen C., St. Louis, Mo.
 Orton, Philo A., Darlington, Wis.
 Orwig, Ralph, Des Moines, Iowa.
 Osborn, Edward D., Topeka, Kan.

- Osborne, A. L., Bristol, Tenn.
 Osborne, James W., Ely, Minn.
 Osenton, C. W., Fayetteville, W. Va.
 Osgood, William N., Boston, Mass.
 O'Shaunessy, George F., Providence, R. I.
 O'Sullivan, E. A., New Orleans, La.
 O'Sullivan, Wm. J., New York, N. Y.
 Ostrander, Russell O., Lansing, Mich.
 Ottinger, Nathan, New York, N. Y.
 Otto, Ralph, Iowa City, Iowa.
 Ottofy, L. Frank, St. Louis, Mo.
 Otts, James C., Spartanburg, S. C.
 Outcalt, Dudley C., Cincinnati, Ohio.
 Overall, John H., St. Louis, Mo.
 Overton, Winston, Lake Charles, La.
 Owens, George W., Savannah, Ga.
 Owens, William A., Lafollette, Tenn.
 Oxtoby, James V., Detroit, Mich.
 Oxtoby, Walter E., Detroit, Mich.
 Oyler, F. J., Iola, Kan.
 Pace, Frank, Little Rock, Ark.
 Pace, William Heck, Raleigh, N. C.
 Packard, George, Chicago, Ill.
 Paden, Joseph E., Chicago, Ill.
 Page, Cecil, Chicago, Ill.
 Page, George T., Peoria, Ill.
 Page, Howard Wurts, Philadelphia, Pa.
 Page, Rosewell, Richmond, Va.
 Page, S. Davis, Philadelphia, Pa.
 Page, Thomas Nelson, Washington, D. C.
 Page, William H., New York, N. Y.
 Paige, James, Minneapolis, Minn.
 Paine, Bayard H., Grand Island, Nebr.
 Palda, L. J., Jr., Minot, N. D.
 Palmer, Henry W., Wilkesbarre, Pa.
 Palmer, Jonathan, Jr., Detroit, Mich.
 Palmer, Truman F., Monticello, Ind.
 Parish, Edward C., New York, N. Y.
 Park, Orville A., Macon, Ga.
 Parker, Alton B., New York, N. Y.
 Parker, Barton L., Green Bay, Wis.
 Parker, Charles W., Jersey City, N. J.
 Parker, Chauncey G., Newark, N. J.
 Parker, Cortlandt, Jr., Newark, N. J.
 Parker, Emmett N., Olympia, Wash.
 Parker, Francis W., Chicago, Ill.
 Parker, Haywood, Asheville, N. C.
 Parker, Herbert, Boston, Mass.
 Parker, Junius, New York, N. Y.
 Parker, Lewis W., Chicago, Ill.
 Parker, Philip S., Boston, Mass.
 Parker, Porter, New Orleans, La.
 Parker, Richard Wayne, Newark, N. J.
 Parker, William C., New Bedford, Mass.
 Parker, Winthrop, New York, N. Y.
 Parkerson, William Stirling, New Orleans, La.
 Parkhurst, Frederic H., Bangor, Me.
 Parkinson, Robert H., Chicago, Ill.
 Parkinson, Thomas I. (Philadelphia, Pa.), New York, N. Y.
 Parmalee, Henry F., New Haven, Conn.
 Parmly, Randolph, New York, N. Y.
 Parrish, Robert L., Covington, Va.
 Parsons, Charles C., Salt Lake City, Utah.
 Parsons, Edward A., New Orleans, La.
 Parsons, Hinsdill, New York, N. Y.
 Parsons, John E., New York, N. Y.
 Partridge, Olcott Osborn, Boston, Mass.
 Pattangall, W. R., Waterville, Me.
 Patterson, A. W., Richmond, Va.
 Patterson, Charles E., Seattle, Wash.
 Patterson, Daniel W., New York, N. Y.
 Patterson, Elmer C., Minneapolis, Minn.
 Patterson, George S., Philadelphia, Pa.
 Patterson, John H., Pontiac, Mich.
 Patterson, Lindsay, Winston-Salem, N. C.
 Patterson, Newton Reid, Pineville, Ky.
 Patterson, Roswell H., Scranton, Pa.
 Patterson, T. Elliott, Philadelphia, Pa.
 Patterson, Thomas, Pittsburg, Pa.
 Patteson, S. S. P., Richmond, Va.
 Pattison, Everett W., St. Louis, Mo.
 Paul, A. C., Minneapolis, Minn.
 Paul, Timothy A., Walla Walla, Wash.
 Paulding, Charles C., New York, N. Y.
 Paxson, Alfred A., St. Louis, Mo.
 Payne, James M., Charleston, W. Va.
 Payne, Jason E., Vermillion, S. D.
 Payne, John Barton, Chicago, Ill.
 Payne, William D., Charleston, W. Va.
 Payson, Edward P., Boston, Mass.
 Payson, Franklin C., Portland, Me.
 Peabody, Augustus S., Chicago, Ill.
 Peabody, Clarence W., Portland, Me.
 Peabody, Francis, Boston, Mass.
 Peaks, George H., Chicago, Ill.
 Peaks, Joseph B., Dover, Me.
 Pearce, James A., Chestertown, Md.
 Pearl, Francis H., Haverhill, Mass.
 Pease, Frank Alvin, Fall River, Mass.
 Peck, Epaphroditus, Bristol, Conn.
 Peck, George R., Chicago, Ill.
 Peck, Hiram D., Cincinnati, Ohio.
 Pedigo, John H., Walla Walla, Wash.
 Peek, Burton F., Moline, Ill.
 Pegram, Henry, New York, N. Y.
 Peirce, Edward B., Chicago, Ill.
 Pelletier, Joseph C., Boston, Mass.

Pelton, Charles A., Clinton, Conn.
 Pemberton, William Y., Helena, Mont.
 Pence, Joseph T., Boise, Ida.
 Pendleton, Francis Key, New York, N. Y.
 Penfield, Walter S., Washington, D. C.
 Penney, R. L., Minneapolis, Minn.
 Pennypacker, Charles H., West Chester, Pa.
 Pennypacker, Samuel W., Schwenksville, Pa.
 Pepper, George Wharton, Philadelphia, Pa.
 Percy, LeRoy, Greenville, Miss.
 Percy, Walker, Birmingham, Ala.
 Percy, William A., Memphis, Tenn.
 Pereles, Thomas Jefferson, Milwaukee, Wis.
 Perkins, Arthur, Hartford, Conn.
 Perkins, David Walter, Manchester, N. H.
 Perkins, Robert J., New Orleans, La.
 Perkins, Thomas N., Boston, Mass.
 Perky, Kirtland I., Boise, Ida.
 Perry, Charles Bennett, Milwaukee, Wis.
 Perry, Fred L., New Haven, Conn.
 Perry, R. Ross, Jr., Washington, D. C.
 Perry, Stephen C., Portland, Me.
 Peter, James B., Saginaw, Mich.
 Peters, Arthur John, New Orleans, La.
 Peters, John A., Ellsworth, Me.
 Peters, W. A., Seattle, Wash.
 Peterson, Fred. H., Seattle, Wash.
 Peterson, James A., Chicago, Ill.
 Pettingill, N. B. K., San Juan, P. R.
 Pettit, Horace, Philadelphia, Pa.
 Petty, Robert D., New York, N. Y.
 Pevey, Gilbert A. A., Boston, Mass.
 Peyton, Frank M., Jackson, Miss.
 Phelan, Patrick Henry, Jr., Memphis, Tenn.
 Phelps, Charles, Rockville, Conn.
 Phelps, H. H., Duluth, Minn.
 Philbrook, Warren C., Waterville, Me.
 Philipp, Moritz Bernard, New York, N. Y.
 Philips, Benjamin, Boston, Mass.
 Philips, Henry B., Jacksonville, Fla.
 Philips, John F., Kansas City, Mo.
 Phillips, Alfred Ingersoll, Philadelphia, Pa.
 Phillips, Arthur S., Fall River, Mass.
 Phillips, Lewis S., New York, N. Y.
 Phillips, Nelson, Dallas, Tex.
 Piatt, Wm. H. H., Kansas City, Mo.
 Pickens, Samuel O., Indianapolis, Ind.
 Pickens, William A., Indianapolis, Ind.

Pickering, Henry Goddard, Boston, Mass.
 Pickett, William P., Brooklyn, N. Y.
 Pickman, John J., Lowell, Mass.
 Pickrell, John, Richmond, Va.
 Pierce, Charles L., Rochester, N. Y.
 Pierce, Thomas M., St. Louis, Mo.
 Pierce, Wilson H., Waterbury, Conn.
 Pierce, Winslow S., New York, N. Y.
 Pike, Vinton, St. Joseph, Mo.
 Pilcher, James Stuart, Nashville, Tenn.
 Piles, Samuel H., Seattle, Wash.
 Pillsbury, Albert E., Boston, Mass.
 Pinckney, Merritt W., Chicago, Ill.
 Pingrey, Darius H., Bloomington, Ill.
 Pinkerton, Alfred S., Worcester, Mass.
 Pirce, James Aldrich, Providence, R. I.
 Pirtle, James S., Louisville, Ky.
 Pitney, John O. H., Newark, N. J.
 Pitts, John A., Nashville, Tenn.
 Place, Ira A., New York, N. Y.
 Platt, Frank H., New York, N. Y.
 Playford, R. W., Uniontown, Pa.
 Poindexter, Miles, Spokane, Wash.
 Polk, Charles M., St. Louis, Mo.
 Pollack, Sidney S., Chicago, Ill.
 Pollak, Francis D., New York, N. Y.
 Pollard, Claude, Kingsville, Tex.
 Pollard, Henry R., Richmond, Va.
 Pollock, John C., Kansas City, Kan.
 Pollock, Robert M., Fargo, N. D.
 Pomerene, Atlee, Canton, Ohio.
 Pomeroy, Charles W., Kalispell, Mont.
 Pond, Philip, New Haven, Conn.
 Poor, John R., Brookline, Mass.
 Pope, William H., Carlsbad, N. M.
 Poppenhusen, Conrad H., Chicago, Ill.
 Porter, Frank M., Los Angeles, Cal.
 Porter, Louis H., New York, N. Y.
 Porter, Nathan Smith, Olympia, Wash.
 Porter, Silas, Topeka, Kan.
 Porter, Valentine Mott, St. Louis, Mo.
 Porter, William D., Pittsburg, Pa.
 Porter, William Gove, Sioux Falls, S. D.
 Poss, Benjamin, Milwaukee, Wis.
 Post, Frank T., Spokane, Wash.
 Post, Philip S., Chicago, Ill.
 Potter, Barrett, Brunswick, Me.
 Potter, C. C., Gainesville, Tex.
 Potter, Charles N., Cheyenne, Wyo.
 Potter, Dexter B., Providence, R. I.
 Potter, Emery D., Toledo, Ohio.
 Potter, Frederick, New York, N. Y.
 Potts, Joseph, New York, N. Y.
 Pound, Cuthbert W., Lockport, N. Y.

- Pound, Roscoe, Cambridge, Mass.
 Powell, Elmer N., Kansas City, Mo.
 Powell, George M., Johnson City, Tenn.
 Powell, John H., Seattle, Wash.
 Powell, J. Norment, Johnson City, Tenn.
 Powell, Omar, New York, N. Y.
 Powell, Ransom J., Minneapolis, Minn.
 Powell, Walter A., Kansas City, Mo.
 Powell, William H., Canton, Miss.
 Powers, Frederick A., Houlton, Me.
 Powers, O. W., Salt Lake City, Utah.
 Powers, Samuel L., Boston, Mass.
 Pratt, Charles A. B., New York, N. Y.
 Pratt, James R., Baltimore, Md.
 Pray, Charles N., Fort Benton, Mont.
 Prendergast, Edmund A., Minneapolis, Minn.
 Prentice, E. Parmalee, New York, N. Y.
 Prentice, William P., New York, N. Y.
 Prentiss, Robert R., Suffolk, Va.
 Preston, Edmund R., Charlotte, N. C.
 Preston, Harold, Seattle, Wash.
 Preston, J. W., Pueblo, Col.
 Price, Frank F., Grand Rapids, Minn.
 Price, George E., Charleston, W. Va.
 Price, William H., Marianna, Fla.
 Prichard, Frank P., Philadelphia, Pa.
 Pride, James H., Huntsville, Ala.
 Prime, Ralph E., Yonkers, N. Y.
 Prince, Leon C., Carlisle, Pa.
 Prince, Sydney Rhodes, Mobile, Ala.
 Prindle, Edwin J., New York, N. Y.
 Proctor, Thomas W., Boston, Mass.
 Proskauer, Joseph M., New York, N. Y.
 Prouty, Charles A. (Washington, D. C.),
 Newport, Vt.
 Pruden, William D., Edenton, N. C.
 Prussing, Eugene E., Chicago, Ill.
 Pugh, James Thomas, Boston, Mass.
 Pugh, John C., Shreveport, La.
 Pujo, Arsene P., Lake Charles, La.
 Pulsifer, Geo. Royal, Boston, Mass.
 Pulsifer, Park B., Concordia, Kan.
 Purcell, Wm. E., Wahpeton, N. D.
 Purdy, Lawson, New York, N. Y.
 Purnell, Clayton, Frostburg, Md.
 Purrington, William Archer, New York,
 N. Y.
 Putnam, Harrington, Brooklyn, N. Y.
 Putnam, James L., Boston, Mass.
 Putnam, William L., Boston, Mass.
 Quackenbush, James L., New York, N. Y.
 Quail, Frank A., Cleveland, Ohio.
 Quarles, James, Louisville, Ky.
 Quarles, Joseph V. (Washington, D. C.),
 Milwaukee, Wis.
 Quattlebaum, Julius W., Anderson, S. C.
 Quinby, William, Boston, Mass.
 Quincy, Josiah H., Boston, Mass.
 Quinn, Frank S., Texarkana, Ark.
 Quinn, John, New York, N. Y.
 Quinn, Thomas H., Faribault, Minn.
 Quintero, Lamar C., New Orleans, La.
 Qvale, G. E., Willmar, Minn.
 Rackemann, Charles Sedgwick, Boston,
 Mass.
 Rackemann, Felix, Boston, Mass.
 Radcliffe, Samuel, Larimore, N. D.
 Rafferty, William F., Syracuse, N. Y.
 Rain, Frank L., Fairbury, Neb.
 Rainold, Frank E., New Orleans, La.
 Ralls, Joseph G., Atoka, Okla.
 Ralston, Jackson H., Washington, D. C.
 Ralston, Robert, Philadelphia, Pa.
 Ramsey, George S., Muskogee, Okla.
 Ramsey, H. J., Seattle, Wash.
 Ramsey, William R., Denver, Col.
 Rand, William, Jr., New York, N. Y.
 Randall, Henry E., St. Paul, Minn.
 Randolph, Carman F. (New York, N. Y.),
 Morristown, N. J.
 Randolph, Edward H., Shreveport, La.
 Randolph, Stuart F., New York, N. Y.
 Rankin, Charles W., Chattanooga, Tenn.
 Ranney, Fletcher, Boston, Mass.
 Ranney, Henry C., Cleveland, Ohio.
 Raper, Emery E., Lexington, N. C.
 Rassieur, Theodore, St. Louis, Mo.
 Ratcliffe, Cummins, Little Rock, Ark.
 Ratcliffe, William C., Little Rock, Ark.
 Rawle, Francis, Philadelphia, Pa.
 Ray, Charles T., Louisville, Ky.
 Raymond, John Marshall, Salem, Mass.
 Raymond, Robert F., Boston, Mass.
 Raymond, Walter B., New York, N. Y.
 Rea, S. C., Luverne, Minn.
 Read, James F., Fort Smith, Ark.
 Read, William L., Des Moines, Iowa.
 Read, William T., New York, N. Y.
 Ream, William C., Lancaster, Pa.
 Reardon, John J., Williamsport, Pa.
 Reasoner, James M., Lansing, Mich.
 Rector, Edward, Chicago, Ill.
 Reddin, John H., Denver, Col.
 Redding, Joseph D., New York, N. Y.
 Redding, William A., New York, N. Y.
 Redfield, Henry S., New York, N. Y.
 Redington, Lyman W., New York, N. Y.
 Reed, Albert A., Boulder, Col.

- Reed, Carl W., Cresco, Iowa.
 Reed, David Aiken, Pittsburg, Pa.
 Reed, Frank F., Chicago, Ill.
 Reed, H. T., Cresco, Iowa.
 Reed, James H., Pittsburg, Pa.
 Reed, Joel Henry, Stafford Springs, Conn.
 Reed, William M., Paducah, Ky.
 Rees, Allen F., Houghton, Mich.
 Reeves, Alfred G., New York, N. Y.
 Regennitter, Erwin L., Idaho Springs, Col.
 Reid, Ambrose B., Pittsburg, Pa.
 Reid, George T., Tacoma, Wash.
 Reid, William C., Roswell, N. M.
 Remick, James W., Concord, N. H.
 Reynolds, Allen H., Walla Walla, Wash.
 Reynolds, George D., St. Louis, Mo.
 Reynolds, George Vogdes, St. Louis, Mo.
 Reynolds, John Chandler, Jacksonville, Fla.
 Reynolds, John J., Boston, Mass.
 Reynolds, Thomas H., Kansas City, Mo.
 Rice, John C., Boston, Mass.
 Rice, Leon L., Anderson, S. C.
 Rice, William E., Warren, Pa.
 Rice, William G., Deadwood, S. D.
 Rich, Burdett A., Rochester, N. Y.
 Rich, Edson, Omaha, Neb.
 Rich, Edward N., Baltimore, Md.
 Rich, George F., Berlin, N. H.
 Rich, William G., Woonsocket, R. I.
 Richards, Albin L., Boston, Mass.
 Richards, Harry S., Madison, Wis.
 Richards, James H., Boise, Ida.
 Richards, John T., Chicago, Ill.
 Richardson, E. Stanley, Philadelphia, Pa.
 Richardson, Henry T., Boston, Mass.
 Richardson, W. K., Boston, Mass.
 Richberg, Donald R., Chicago, Ill.
 Richberg, John C., Chicago, Ill.
 Richmond, Benjamin A., Cumberland, Md.
 Richmond, T. C., Madison, Wis.
 Riddick, W. G., Little Rock, Ark.
 Rider, George C., Pekin, Ill.
 Rightmire, George W., Columbus, Ohio.
 Riker, Adrian, Newark, N. J.
 Riker, Samuel, New York, N. Y.
 Riker, Samuel, Jr., New York, N. Y.
 Rinaker, John I., Carlinville, Ill.
 Rinaker, Samuel, Beatrice, Neb.
 Rine, John A., Omaha, Neb.
 Rinehart, C. D., Jacksonville, Fla.
 Rinehart, Wm. V., Jr., Seattle, Wash.
 Riordan, Daniel E., Ashland, Wis.
 Ritchie, Albert C., Baltimore, Md.
 Rittenhouse, George B., Chandler, Okla.
 Ritz, Harold A., Bluefield, W. Va.
 Robb, Bamford A., Seattle, Wash.
 Robb, Charles H. (Washington, D. C.), Bellows Falls, Vt.
 Robbins, Alexander H., St. Louis, Mo.
 Robbins, Charles A., Lincoln, Neb.
 Robbins, Edward D., New Haven, Conn.
 Robbins, George M., Titusville, Fla.
 Robbins, Henry S., Chicago, Ill.
 Robbins, Josephus Ewing, Mayfield, Ky.
 Robert, Douglas W., St. Louis, Mo.
 Robert, Edward S., St. Louis, Mo.
 Roberts, George L., Boston, Mass.
 Roberts, Harlan P., Minneapolis, Minn.
 Roberts, John W., Seattle, Wash.
 Roberts, Jos. Banks, New York, N. Y.
 Roberts, Owen J., Philadelphia, Pa.
 Roberts, William J., Keokuk, Iowa.
 Roberts, William P., Minneapolis, Minn.
 Robertson, C. D., Cincinnati, Ohio.
 Robertson, Charles R., Detroit, Mich.
 Robertson, George, Mexico, Mo.
 Robertson, James, Minneapolis, Minn.
 Robertson, V. Otis, Jackson, Miss.
 Robeson, Andrew C., Greenville, Ohio.
 Robinson, David W., Columbia, S. C.
 Robinson, Frank W., Portland, Me.
 Robinson, Harold L., Uniontown, Pa.
 Robinson, Jos. T., Lonoke, Ark.
 Robinson, Thomas H., Bel Air, Md.
 Robinson, V. Gilpin, Philadelphia, Pa.
 Robson, Frank E., Detroit, Mich.
 Robv. Frank S., Indianapolis, Ind.
 Rockafellow, J. B., Atlantic, Iowa.
 Rockwood, Chelsea J., Minneapolis, Minn.
 Rockwood, Nash, Saratoga Springs, N. Y.
 Rodenbeck, Adolph J., Rochester, N. Y.
 Rodgers, W. C., Nashville, Ark.
 Rodgers, William B., Anaconda, Mont.
 Rodman, William Blount, Norfolk, Va.
 Roe, Gilbert E., New York, N. Y.
 Roe, William, Wolcott, N. Y.
 Rogers, Edward H., New Haven, Conn.
 Rogers, Edward S., Chicago, Ill.
 Rogers, Foster, Boston, Mass.
 Rogers, George Lyman, Boston, Mass.
 Rogers, George Mills, Chicago, Ill.
 Rogers, Henry T., Denver, Col.
 Rogers, Henry Wade, New Haven, Conn.
 Rogers, Hubert E., New York, N. Y.
 Rogers, L. Harding, Jr., New York, N. Y.
 Rogers, Noah Cornwell, New York, N. Y.
 Rogers, Platt, Denver, Col.

Rogers, Walter F., Washington, D. C.
 Rogers, William P., Cincinnati, Ohio.
 Rollins, Thomas Scott, Asheville, N. C.
 Romain, Armand, New Orleans, La.
 Rombauer, Edgar R., St. Louis, Mo.
 Rombauer, Roderick E., St. Louis, Mo.
 Ronald, J. T., Seattle, Wash.
 Ronan, Edward D., Albany, N. Y.
 Rood, John R., Ann Arbor, Mich.
 Rooney, John Jerome, New York, N. Y.
 Root, Elihu (Washington, D. C.), New York, N. Y.
 Roote, Jesse Bryan, Butte, Mont.
 Rosbrook, Alden I., Northport, N. Y.
 Rose, A. J., Greenville, Miss.
 Rose, Charles G., Fayetteville, N. C.
 Rose, George B., Little Rock, Ark.
 Rose, John C., Baltimore, Md.
 Rose, U. M., Little Rock, Ark.
 Rosen, Charles, New Orleans, La.
 Rosenberg, James N., New York, N. Y.
 Rosenberg, Louis J., Detroit, Mich.
 Rosendale, Simon W., Albany, N. Y.
 Rosenthal, Lessing, Chicago, Ill.
 Ross, David, Kalispell, Mont.
 Ross, John Mason, Bisbee, Arizona Ter.
 Rosser, J. B., Jr., New Orleans, La.
 Rothmann, William, Chicago, Ill.
 Rounds, Arthur C., New York, N. Y.
 Rountree, George, Wilmington, N. C.
 Rouse, John D., New Orleans, La.
 Rouse, Shelley D., Covington, Ky.
 Rowe, Leo Stanton, Philadelphia, Pa.
 Rowe, William V., New York, N. Y.
 Rowland, Arthur, Yonkers, N. Y.
 Rowland, Lloyd A., Barthsville, Okla.
 Rowlette, Thomas M., New York, N. Y.
 Rozzelle, Frank F., Kansas City, Mo.
 Rubens, Harry, Chicago, Ill.
 Rubenstein, Philip, Boston, Mass.
 Rubino, Henry A., New York, N. Y.
 Rudd, William Platt, Albany, N. Y.
 Rugg, Arthur P., Worcester, Mass.
 Ruggles, Daniel B., Boston, Mass.
 Ruhl, Christian H., Reading, Pa.
 Ruick, Norman M., Boise, Ida.
 Rummler, William R., Chicago, Ill.
 Runk, Louis Barcroft, Philadelphia, Pa.
 Runnels, John S., Chicago, Ill.
 Rupe, John L., Richmond, Ind.
 Rupp, Otto B., Seattle, Wash.
 Rush, Thomas E., New York, N. Y.
 Rushton, Ray, Montgomery, Ala.
 Russell, Charles A., Gloucester, Mass.
 Russell, Henry, Detroit, Mich.

Russell, Isaac F., New York, N. Y.
 Russell, J. Porter, Boston, Mass.
 Russell, Talcott H., New Haven, Conn.
 Russell, William Hepburn, New York, N. Y.
 Rutherford, John, Richmond, Va.
 Rutherford, Harry V., New York, N. Y.
 Ryan, Charles G., Grand Island, Neb.
 Ryan, O'Neill, St. Louis, Mo.
 Ryder, Erastus C., Bangor, Me.
 Ryon, Oscar B., Streator, Ill.
 Ryon, William W., Shamokin, Pa.
 Sabin, Fred A., La Junta, Col.
 Sabin, Leland H., Battle Creek, Mich.
 Sabine, William, Boston, Mass.
 Sackett, Henry W., New York, N. Y.
 Sage, Dean, New York, N. Y.
 St. John, Charles J., Bristol, Tenn.
 St. Paul, John, New Orleans, La.
 Saltonstall, Richard M., Boston, Mass.
 Saltzgaber, Gaylord M., Van Wert, Ohio.
 Samuels, Sidney L., Fort Worth, Tex.
 Sanborn, A. L., Madison, Wis.
 Sanborn, Edward P., St. Paul, Minn.
 Sanborn, Frederick H., New York, N. Y.
 Sanborn, John Bell, Madison, Wis.
 Sanborn, R. H., Knoxville, Tenn.
 Sanborn, Walter H., St. Paul, Minn.
 Sanders, J. O. S., Jackson, Miss.
 Sanders, Joseph M., Bluefield, W. Va.
 Sanders, W. B., Cleveland, Ohio.
 Saner, Robert E. Lee, Dallas, Tex.
 Sanford, Allan D., Waco, Tex.
 Sanford, Charles M., Smithtown Branch, N. Y.
 Sanford, Edward T., Knoxville, Tenn.
 Sanford, Ferdinand V., Warwick, N. Y.
 Sansom, Richard H., Knoxville, Tenn.
 Sapp, Edward E., Salina, Kan.
 Sappington, Augustine DeR., Baltimore, Md.
 Sappington, G. Ridgely, Baltimore, Md.
 Sargent, John G., Ludlow, Vt.
 Saulsbury, Willard, Wilmington, Del.
 Saunders, Charles G., Boston, Mass.
 Saunders, Eugene D., New Orleans, La.
 Sauter, L. E., Chicago, Ill.
 Savage, Albert R., Auburn, Me.
 Savage, Michael, Clarksville, Tenn.
 Savery, C. D., Tacoma, Wash.
 Saville, Huntington, Boston, Mass.
 Sawtell, Frank M., Boston, Mass.
 Sawyer, Alfred P., Lowell, Mass.
 Sawyer, Clarence E., Portland, Me.
 Sawyer, Hazen I., Keokuk, Iowa.

- Saxe, John W., Boston, Mass.
 Saxon, Lyle, New Orleans, La.
 Sayler, John Riner, Cincinnati, Ohio.
 Sayler, Samuel M., Huntington, Ind.
 Scaife, Lauriston L., Boston, Mass.
 Scallon, William, New York, N. Y.
 Scandrett, Henry A., Topeka, Kan.
 Schaffer, William I., Chester, Pa.
 Schaich, John G., Kansas City, Mo.
 Sharps, Albert T., New York, N. Y.
 Schmidt, Philip C., Duluth, Minn.
 Schnabel, Charles J., Portland, Ore.
 Schnurmacher, Benjamin, St. Louis, Mo.
 Schofield, F. L., Hannibal, Mo.
 Schofield, Henry, Chicago, Ill.
 Schofield, William, Malden, Mass.
 Schouler, James, Intervale, N. H.
 Schubring, E. J. B., Madison, Wis.
 Schurman, Geo. W., New York, N. Y.
 Schurz, Carl L., New York, N. Y.
 Schwartz, Sydney A., Titusville, Pa.
 Scott, Alexander Y., Memphis, Tenn.
 Scott, Charles, Rosedale, Miss.
 Scott, Edgar H., Omaha, Neb.
 Scott, Frank H., Chicago, Ill.
 Scott, Henry W., New York, N. Y.
 Scott, Howard B., Danbury, Conn.
 Scott, James Brown (Washington, D. C.),
 Champaign, Ill.
 Scott, James L., Saratoga Springs, N. Y.
 Scott, Joseph, Los Angeles, Cal.
 Scott, Samuel Parsons, Hillsboro, Ohio.
 Scovell, J. Boardman, Niagara Falls,
 N. Y.
 Scoville, Hector H., San Juan, P. R.
 Scoville, Samuel, Jr., Philadelphia, Pa.
 Seabrook, Paul E. (Savannah, Ga.),
 Pineora, Ga.
 Seabury, William M., New York, N. Y.
 Seaman, William H., Sheboygan, Wis.
 Searcy, William W., Brenham, Tex.
 Searls, Charles E., Putnam, Conn.
 Sears, George B., Salem, Mass.
 Sears, Hector, Gardiner, N. Y.
 Sears, Nathaniel C., Chicago, Ill.
 Sears, Wm. R., Boston, Mass.
 Seaton, Emmett, Richmond, Va.
 Seay, Edward T., Nashville, Tenn.
 Sedgwick, Samuel H. (Lincoln, Neb.),
 York, Neb.
 SeEVERS, George W., Minneapolis, Minn.
 Seibert, William N., New Bloomfield, Pa.
 Selden, John, Washington, D. C.
 Selheimer, Henry C., Birmingham, Ala.
 Sellers, Emory B., Monticello, Ind.
 Selligman, Alfred, Louisville, Ky.
 Selling, Bernard B., Detroit, Mich.
 Selover, George H., Minneapolis, Minn.
 Semple, Oliver C., New York, N. Y.
 Serra, Manuel Rodriguez, San Juan, P. R.
 Settle, Warner Ellmore, Bowling Green,
 Ky.
 Severance, Cordenio A., St. Paul, Minn.
 Sewall, Harold M., Bath, Me.
 Sexton, James S., Hazlehurst, Miss.
 Sexton, Lawrence E., New York, N. Y.
 Sexton, Pliny T., Palmyra, N. Y.
 Seymour, Henry A., Washington, D. C.
 Seymour, Henry H., Buffalo, N. Y.
 Seymour, Morris W., Bridgeport, Conn.
 Seymour, Origen Storrs, New York, N. Y.
 Shackelford, John A., Tacoma, Wash.
 Shackford, Samuel B., Boston, Mass.
 Shaffer, C. Will, Olympia, Wash.
 Shafroth, John F., Denver, Col.
 Shands, A. W., Sardis, Miss.
 Sharpstein, John L., Walla Walla, Wash.
 Shattuck, Charles E., Boston, Mass.
 Shattuck, Henry Lee, Boston, Mass.
 Shaw, Frank W., Minneapolis, Minn.
 Shaw, Frank W., Patchogue, N. Y.
 Shaw, George E., Pittsburg, Pa.
 Shear, B. D., Oklahoma City, Okla.
 Shearer, James D., Minneapolis, Minn.
 Shearn, Clarence J., New York, N. Y.
 Sheean, James B., St. Paul, Minn.
 Sheean, James M., Chicago, Ill.
 Sheehan, Jos. A., Boston, Mass.
 Sheehan, William F., New York, N. Y.
 Sheffield, Wm. P., Newport, R. I.
 Shelby, David D., Huntsville, Ala.
 Sheldon, Edward W., New York, N. Y.
 Sheldon, Henry N., Boston, Mass.
 Shelton, George F., Butte, Mont.
 Shelton, H. H., Bristol, Tenn.
 Shelton, Thomas Wall, Norfolk, Va.
 Shenstone, Archibald C., New York, N. Y.
 Shepard, Charles E., Seattle, Wash.
 Shepard, Edward M., New York, N. Y.
 Shepard, Harvey N., Boston, Mass.
 Shepard, Stuart G., Chicago, Ill.
 Shepley, Arthur B., St. Louis, Mo.
 Sheridan, Harry C., Frankfort, Ind.
 Sheriff, Andrew R., Chicago, Ill.
 Sherley, Swagar, Washington, D. C.
 Sherman, Gordon E., Morristown, N. J.
 Sherman, P. Tecumseh, New York, N. Y.
 Sherman, Roland H., Boston, Mass.
 Sherman, Sterling S., Montrose, Col.

Sherrill, Charles Hitchcock, New York, N. Y.
 Sherwin, John C., Mason City, Iowa.
 Sherwood, Carl G., Clark, S. D.
 Shick, Robert P., Philadelphia, Pa.
 Shields, George H., St. Louis, Mo.
 Shields, James M., Pittsburg, Pa.
 Shipman, Andrew J., New York, N. Y.
 Shipman, George M., Belvidere, N. J.
 Shiras, George Jr. (Washington, D. C.), Pittsburg, Pa.
 Shiras, Oliver P., Dubuque, Iowa.
 Shire, Moses, Buffalo, N. Y.
 Shoemaker, Herbert Brodish, New York, N. Y.
 Shope, Simeon P., Chicago, Ill.
 Siddons, Frederick Lincoln, Washington, D. C.
 Sidley, William P., Chicago, Ill.
 Silber, Frederick D., Chicago, Ill.
 Simms, Charles Carroll, Barnwell, S. C.
 Simms, Dan W., Lafayette, Ind.
 Simonton, F. M., Tampa, Fla.
 Simpson, Alexander, Jr., Philadelphia, Pa.
 Simpson, David F., St. Paul, Minn.
 Simpson, Frank Leslie, Boston, Mass.
 Sims, Edwin W., Chicago, Ill.
 Sims, Henry Upson, Birmingham, Ala.
 Sims, James Caswell, Bowling Green, Ky.
 Sinclair, Neil A., Fayetteville, N. C.
 Sirrine, William G., Greenville, S. C.
 Sisk, James H., Lynn, Mass.
 Sitterly, Jere S., Fonda, N. Y.
 Sivley, Clarence L., Chicago, Ill.
 Skelton, William B., Lewiston, Me.
 Skinner, Alfred F., Newark, N. J.
 Skinner, Edward F., New Orleans, La.
 Skinner, Harry, Greenville, N. C.
 Skulason, B. G., Grand Forks, N. D.
 Slade, John A., Saratoga Springs, N. Y.
 Slater, John S., Boston, Mass.
 Slingluff, R. Lee, Baltimore, Md.
 Slocum, Edward T., Pittsfield, Mass.
 Slocum, Winfield S., Boston, Mass.
 Sloman, Adolph, Detroit, Mich.
 Slonecker, J. G., Topeka, Kan.
 Small, Charles E., Kansas City, Mo.
 Small, Frank J., Old Town, Me.
 Smead, Alexander D. B., Carlisle, Pa.
 Smedes, John Marshall, Cincinnati, Ohio.
 Smith, A. G., Birmingham, Ala.
 Smith, A. Page, Albany, N. Y.
 Smith, Alex. W., Sr., Atlanta, Ga.
 Smith, Alfred Percival, Philadelphia, Pa.

Smith, Arthur Thad, Boston, Mass.
 Smith, Bertram L., Patten, Me.
 Smith, Burton, Atlanta, Ga.
 Smith, Carl Schurz, Hilo, Hawaii.
 Smith, Charles Blood, Topeka, Kan.
 Smith, Charles H., Knoxville, Tenn.
 Smith, Charles W., Indianapolis, Ind.
 Smith, Charles W., Stockton, Kan.
 Smith, D. F., Kalispell, Mont.
 Smith, Edward E., Minneapolis, Minn.
 Smith, Edwin W., Pittsburgh, Pa.
 Smith, Fitz-Henry, Jr., Boston, Mass.
 Smith, Frank, Marion, Ark.
 Smith, Frank Bulkeley, Worcester, Mass.
 Smith, Frank O., Prescott, Ariz.
 Smith, Frank Sullivan, New York, N. Y.
 Smith, Frederick A., Chicago, Ill.
 Smith, George H., Salt Lake City, Utah.
 Smith, Gilmer P., Memphis, Tenn.
 Smith, Gregory L., Mobile, Ala.
 Smith, Harvey F., Clarksburg, W. Va.
 Smith, Henry C., Adrian, Mich.
 Smith, Henry E., Nashville, Tenn.
 Smith, Henry Hyde, Boston, Mass.
 Smith, Howard B., Omaha, Neb.
 Smith, Isham N., Portland, Ore.
 Smith, Jeremiah, Jr., Boston, Mass.
 Smith, John L., Cleveland, Tenn.
 Smith, John Lewis, Washington, D. C.
 Smith, John R., Denver, Col.
 Smith, Luther Ely, St. Louis, Mo.
 Smith, Luther R., Washington, D. C.
 Smith, Lyndon A., Montevideo, Minn.
 Smith, Milton W., Portland, Ore.
 Smith, Nathaniel Stevens, New York, N. Y.
 Smith, Nelson, New York, N. Y.
 Smith, Pliny B., Chicago, Ill.
 Smith, Robert H., Baltimore, Md.
 Smith, Robert T., Nashville, Tenn.
 Smith, Rufus B., Cincinnati, Ohio.
 Smith, Samuel Bosworth, Chattanooga, Tenn.
 Smith, Sam. Ferry, San Diego, Cal.
 Smith, Thomas Kilby, Philadelphia, Pa.
 Smith, Victor Lamar, Atlanta, Ga.
 Smith, Walter George, Philadelphia, Pa.
 Smith, William B., Little Rock, Ark.
 Smith, William M., St. Johns, Mich.
 Smith, William O., Honolulu, Hawaii.
 Smith, Wm. T., Chattanooga, Tenn.
 Smith, Willis B., Richmond, Va.
 Smith, Winfield R., Seattle, Wash.
 Smithdeal, C. M., Hillsboro, Tex.

- Smithers, William W., Philadelphia, Pa.
 Smythe, Augustine T., Charleston, S. C.
 Snare, Jacob, Philadelphia, Pa.
 Snell, Marshall K., Tacoma, Wash.
 Snodgrass, Robert, Harrisburg, Pa.
 Snook, Herbert E., Seattle, Wash.
 Snow, Alpheus H., Washington, D. C.
 Snow, David W., Portland, Me.
 Snow, Leslie, P., Rochester, N. H.
 Snyder, Charles M., Fowler, Ind.
 Snyder, F. B., Minneapolis, Minn.
 Snyder, Wilson I., Salt Lake City, Utah.
 Sohler, Wm. D., Boston, Mass.
 Somerville, Thomas H., Oxford, Miss.
 Sommerville, J. B., Wheeling, W. Va.
 Sommerville, W. B., New Orleans, La.
 Sonnenberg, Louis M., New York, N. Y.
 Soule, Frank, New Orleans, La.
 Southard, Louis C., Boston, Mass.
 Southmayd, L. H., Van Buren, Ark.
 Southworth, Constant, Cincinnati, Ohio.
 Spalding, Burleigh Folsom, Fargo, N. D.
 Spalding, E. W., Washington, D. C.
 Spamer, C. Augustus E., Baltimore, Md.
 Sparkman, S. M., Tampa, Fla.
 Speake, Paul, Huntsville, Ala.
 Spear, Ellis, Washington, D. C.
 Spearing, J. Zach., New Orleans, La.
 Spears, W. D., Chattanooga, Tenn.
 Speer, Emory, Macon, Ga. (Mt. Airy, Ga.)
 Spellissy, Denis A., New York, N. Y.
 Spellman, Benjamin F., New York, N. Y.
 Spence, Union L., Carthage, N. C.
 Spencer, Charles C., Monticello, Ind.
 Spencer, Frederick G., Fulton, N. Y.
 Spencer, Nelson E., Rochester, N. Y.
 Spencer, Selden P., St. Louis, Mo.
 Spiegelberg, Eugene E., New York, N. Y.
 Spilman, Robert S., Charleston, W. Va.
 Spooner, Charles P., Seattle, Wash.
 Spooner, John C., New York, N. Y.
 Spooner, Lewis C., Morris, Minn.
 Spoons, M. A., Fort Worth, Tex.
 Sprague, Charles H., Boston, Mass.
 Sprague, Rufus W., Jr., New York, N. Y.
 Spring, Arthur L., Boston, Mass.
 Squire, Andrew, Cleveland, Ohio.
 Staake, William H., Philadelphia, Pa.
 Stafford, Ethelred M., New Orleans, La.
 Stafford, W. H., Chippewa Falls, Wis.
 Stagg, Charles Tracey, Ithaca, N. Y.
 Stanton, Horace B., Boston, Mass.
 Stanton, Lewis E., Hartford, Conn.
 Stanwood, Philip C., Boston, Mass.
 Starr, Merritt, Chicago, Ill.
 Stayton, Joseph M., Newport, Ark.
 Stedman, Livingston B., Seattle, Wash.
 Steele, Henry J., Easton, Pa.
 Steele, John H., Minneapolis, Minn.
 Steele, Robert W., Denver, Col.
 Steen, J. M., Memphis, Tenn.
 Stephens, H. M., Spokane, Wash.
 Stephens, Redmond D., Chicago, Ill.
 Sterling, Thomas, Vermillion, S. D.
 Stern, David P., Greensboro, N. C.
 Stern, Jo. Lane, Richmond, Va.
 Stern, Philip H., Montgomery, Ala.
 Sterne, Samuel R., Spokane, Wash.
 Sterrett, James R., Pittsburg, Pa.
 Stetson, Francis Lynde, New York, N. Y.
 Steuart, Arthur, Baltimore, Md.
 Steuart, James L., New York, N. Y.
 Stevens, Frederick W., New York, N. Y.
 Stevens, Henry L., Warsaw, N. C.
 Stevens, John S., Peoria, Ill.
 Stevenson, Archie M., Denver, Col.
 Stevenson, Elmer E., Indianapolis, Ind.
 Stevenson, Eugene, Paterson, N. J.
 Stevenson, Jas. H., Little Rock, Ark.
 Stevenson, L. C., Tacoma, Wash.
 Stevick, Guy Le Roy, Denver, Col.
 Stewart, Alphonso Chase, St. Louis, Mo.
 Stewart, Gilbert H., Columbus, Ohio.
 Stewart, Robert W., Chicago, Ill.
 Stewart, Russell C., Easton, Pa.
 Stewart, T. Lawrence, Jasper, Tenn.
 Stewart, W. F. Bay, York, Pa.
 Stewart, William M., Jr., Philadelphia, Pa.
 Stier, Joseph F., New York, N. Y.
 Stiles, James A., Gardner, Mass.
 Stillman, Herman W., Chicago, Ill.
 Stillman, Walter S. (Omaha, Neb.), Council Bluffs, Iowa.
 Stiness, Edward C., Providence, R. I.
 Stivers, Frank A., Ann Arbor, Mich.
 Stockbridge, Henry, Baltimore, Md.
 Stockbridge, William Mauran, Boston, Mass.
 Stoddard, Elliott J., Detroit, Mich.
 Stoddard, John M., New York, N. Y.
 Stoebr, Oscar, Cincinnati, Ohio.
 Stoeber, William C., Philadelphia, Pa.
 Stokely, J. T., Birmingham, Ala.
 Stokes, Gordon, Nashville, Tenn.
 Stokes, Wyndham, Welch, W. Va.
 Stoll, Richard C., Lexington, Ky.
 Stollenwerck, Frank, Jr., Montgomery, Ala.

Stolz, Benjamin, Syracuse, N. Y.
 Stone, Charles B., West Acton, Mass.
 Stone, Frederic M., Boston, Mass.
 Stone, Harlan F., New York, N. Y.
 Stone, Henry L., Louisville, Ky.
 Stone, John G., Houghton, Mich.
 Stone, John W., Lansing, Mich.
 Stone, Robert B., Boston, Mass.
 Stone, Willmore B., Springfield, Mass.
 Storey, Moorfield, Boston, Mass.
 Storey, Richard C., Boston, Mass.
 Storrs, Henry E., Los Angeles, Cal.
 Story, Hampden, Crowley, La.
 Story, William, Salt Lake City, Utah.
 Stoughton, A. B., Philadelphia, Pa.
 Stout, J. W., Cumberland City, Tenn.
 Stovall, A. T., Okalona, Miss.
 Stow, Fred. W., Fort Collins, Col.
 Strang, S. Bartow, Chattanooga, Tenn.
 Stratton, Charles E., Boston, Mass.
 Strauss, Charles, New York, N. Y.
 Strauss, Oscar, Des Moines, Iowa.
 Strawn, Silas H., Chicago, Ill.
 Street, Robert G., Galveston, Tex.
 Streeter, Frank S., Concord, N. H.
 Stricker, Sidney G., Cincinnati, Ohio.
 Strickland, John J., Athens, Ga.
 Stringer, Edward C., St. Paul, Minn.
 Stroh, Charles C., Harrisburg, Pa.
 Strong, Alan H., New Brunswick, N. J.
 Strong, Edward W., Cincinnati, Ohio.
 Strother, D. J. F., Welch, W. Va.
 Strother, James French, Welch, W. Va.
 Strout, Henry F., Boston, Mass.
 Stryker, John E., St. Paul, Minn.
 Stuart, William V., Lafayette, Ind.
 Stubbs, Frank P., Jr., Monroe, La.
 Sturdevant, Willard L., St. Louis, Mo.
 Sturges, Ralph A., New York, N. Y.
 Sturgis, W. J., Uniontown, Pa.
 Sturtevant, Charles L., Washington,
 D. C.
 Suggett, John W., Cortland, N. Y.
 Sullivan, Francis W., Duluth, Minn.
 Sullivan, Frank P., Sault Ste. Marie,
 Mich.
 Sullivan, J. J., Pensacola, Fla.
 Sullivan, James W., Lynn, Mass.
 Sullivan, William B., Boston, Mass.
 Sullivan, William C., Washington, D. C.
 Sullivan, Wm. H., Rochester, N. Y.
 Sulzberger, Mayer, Philadelphia, Pa.
 Sumerwell, E. K., New York, N. Y.
 Sumner, Edward A., New York, N. Y.
 Surratt, William H., Baltimore, Md.

Sutherland, George G., Janesville, Wis.
 Sutro, Theodore, New York, N. Y.
 Sutton, Simon, New York, N. Y.
 Swaim, Roger Dyer (Boston, Mass.),
 Cambridge, Mass.
 Swan, Charles H., Boston, Mass.
 Swan, Charles Herbert, Boston, Mass.
 Swan, George Brewster, Beaver Dam, Wis.
 Swan, William W., Boston, Mass.
 Swaney, W. B., Chattanooga, Tenn.
 Swansen, Sam T., Madison, Wis.
 Swartley, Francis K., Philadelphia, Pa.
 Swarts, Solomon L., St. Louis, Mo.
 Swasey, John P. (Washington, D. C.),
 Canton, Me.
 Swayze, Francis J., Newark, N. J.
 Swearingen, J. M., Pittsburg, Pa.
 Sweetser, George A., Boston, Mass.
 Swetting, Ernest V., Algona, Iowa.
 Swift, Charles M., Detroit, Mich.
 Swift, James Marcus, Boston, Mass.
 Switzer, John F., Topeka, Kan.
 Symes, J. Foster, Denver, Colo.
 Symmers, James Keith, New York, N. Y.
 Symonds, Joseph W., Portland, Me.
 Synnestvedt, Paul, Pittsburg, Pa.
 Taft, Elihu B., Burlington, Vt.
 Taft, Frederick L., Cleveland, Ohio.
 Taft, George S., Worcester, Mass.
 Taft, Henry W., New York, N. Y.
 Taft, William H. (Washington, D. C.),
 Cincinnati, Ohio.
 Taggart, Edward, Grand Rapids, Mich.
 Taggart, Ganson, Grand Rapids, Mich.
 Taggart, W. Rush, New York, N. Y.
 Taintor, Giles, Boston, Mass.
 Talcott, Charles A., Utica, N. Y.
 Tallman, Boyd J., Seattle, Wash.
 Tanzer, Laurence Arnold, New York, N. Y.
 Tappan, J. B. Coles, New York, N. Y.
 Tarlton, B. D., Austin, Tex.
 Tarrant, Warren D., Milwaukee, Wis.
 Tate, Hugh M., Knoxville, Tenn.
 Taulane, Joseph H., Philadelphia, Pa.
 Taussig, James, St. Louis, Mo.
 Tavenner, Lewis A., Parkersburg, W. Va.
 Tawney, James A., Winona, Minn.
 Taylor, Alva E., Huron, S. D.
 Taylor, Archibald H., Baltimore, Md.
 Taylor, Benjamin, Mankato, Minn.
 Taylor, Benjamin, Port Chester, N. Y.
 Taylor, Francis B., Hempstead, N. Y.
 Taylor, Frederick C., Stamford, Conn.
 Taylor, H. H., Key West, Fla.
 Taylor, Hannis, Washington, D. C.

Taylor, Howard, New York, N. Y.
 Taylor, John Robert, New York, N. Y.
 Taylor, Jonathan, Akron, Ohio.
 Taylor, Joseph T., Philadelphia, Pa.
 Taylor, Perry Post, St. Louis, Mo.
 Taylor, R. S., Fort Wayne, Ind.
 Taylor, Seneca N., St. Louis, Mo.
 Taylor, Thomas, Jr., Chicago, Ill.
 Taylor, Walter F., New York, N. Y.
 Teal, Joseph N., Portland, Ore.
 Tears, Daniel W., Denver, Col.
 Teigen, Tore, Sioux Falls, S. D.
 Teller, John D., Auburn, N. Y.
 Templeton, Richard H., Buffalo, N. Y.
 Tennant, Albert J., Seattle, Wash.
 Tennant, W. Brydon, Richmond, Va.
 Tenney, Horace Kent, Chicago, Ill.
 Terhune, R. S., Seattle, Wash.
 Terrell, William J., Burlington, N. J.
 Terriberry, George Hutchins, New Orleans, La.
 Terry, Charles Thaddeus, New York, N. Y.
 Terry, J. W., Galveston, Tex.
 Terry, Walter J., Little Rock, Ark.
 Thacher, Archibald G., New York, N. Y.
 Thacher, Thomas, New York, N. Y.
 Thayer, Ezra R., Cambridge, Mass.
 Thayer, Henry Holmes, Worcester, Mass.
 Thayer, Rufus C., San Francisco, Cal.
 Thayer, Rufus H., Washington, D. C.
 Thayer, Wade Warren, Honolulu, Hawaii.
 Theard, Charles J., New Orleans, La.
 Theard, George Henry, New Orleans, La.
 Thian, Louis R., Minneapolis, Minn.
 Thilborger, Edward J., New Orleans, La.
 Thom, Alfred P., Washington, D. C.
 Thom, Corcoran, Washington, D. C.
 Thomas, Charles S., Denver, Col.
 Thomas, Edward H., Washington, D. C.
 Thomas, Edwin S., New Haven, Conn.
 Thomas, Gus, Mayfield, Ky.
 Thomas, J. Hanson, Baltimore, Md.
 Thomas, John P., Jr., Columbia, S. C.
 Thomas, Morris St. Palais, Chicago, Ill.
 Thomas, Samuel Hinds, Philadelphia, Pa.
 Thomas, W. G. M., Chattanooga, Tenn.
 Thomas, William H., Santa Ana, Cal.
 Thomas, William H., Montgomery, Ala.
 Thomas, Wm. O., Kansas City, Mo.
 Thomason, Edwin Brawne, Richmond, Va.
 Thomason, Frank D., Chicago, Ill.
 Thompson, A. C. N., Middletown, N. Y.
 Thompson, A. M., Pittsburg, Pa.
 Thompson, Arthur R., Washington, D. C.

Thompson, Benjamin, Portland, Me.
 Thompson, Charles T., Minneapolis, Minn.
 Thompson, David A., Albany, N. Y.
 Thompson, Robert H., Jackson, Miss.
 Thompson, William B., St. Louis, Mo.
 Thompson, William G., Boston, Mass.
 Thompson, William H., Grand Island, Neb.
 Thorndike, John Larkin, Boston, Mass.
 Thorne, Clifford, Des Moines, Iowa.
 Thorne, Samuel, Jr., New York, N. Y.
 Thornley, William H., Providence, R. I.
 Thornton, Charles S., Chicago, Ill.
 Thornton, Howard A., Grand Rapids, Mich.
 Thornton, J. R., Alexandria, La.
 Thornton, Robert A., Lexington, Ky.
 Thraves, Meade G., Fremont, Ohio.
 Throckmorton, Archibald Hall, Danville, Ky.
 Thum, William Warwick, Louisville, Ky.
 Thurston, John M., Washington, D. C.
 Thurston, Wilmarth H., Providence, R. I.
 Thygeson, N. M., Minneapolis, Minn.
 Tibbs, William L., Milwaukee, Wis.
 Tice, David, Lockport, N. Y.
 Tichenor, Charles O., Kansas City, Mo.
 Tiffany, Francis B., St. Paul, Minn.
 Tift, Arthur P., Portland, Ore.
 Tighe, Ambrose, St. Paul, Minn.
 Tillett, Charles W., Charlotte, N. C.
 Tillinghast, Frank W., Providence, R. I.
 Tillinghast, James, Providence, R. I.
 Tillinghast, William R., Providence, R. I.
 Tildman, A. M., Nashville, Tenn.
 Tillman, George N., Nashville, Tenn.
 Tillman, John P., Birmingham, Ala.
 Timlin, Wm. H., Milwaukee, Wis.
 Tinklepaugh, George S., Palmyra, N. Y.
 Tippet, Richard B., Baltimore, Md.
 Tisdale, Archibald R., Boston, Mass.
 Titche, Bernard, New Orleans, La.
 Titus, Frank, Kansas City, Mo.
 Titus, H. L., San Diego, Cal.
 Tobin, John F., New Orleans, La.
 Todd, Elmer E., Seattle, Wash.
 Todd, M. Hampton, Philadelphia, Pa.
 Tolbert, James R., Hobart, Okla.
 Tolles, Sheldon H., Cleveland, Ohio.
 Tolman, Edgar B., Chicago, Ill.
 Tolman, Warren W., Spokane, Wash.
 Tomlin, John G., Walton, Ky.
 Tompkins, Hamilton B., New York, N. Y.
 Tompkins, William V., Prescott, Ark.

- Tompson, Edward F., Portland, Me.
 Toomer, W. M., Jacksonville, Fla.
 Toomey, James O., Washington, D. C.
 Toro, Emilio Del, San Juan, P. R.
 Totten, William D., Seattle, Wash.
 Towle, Henry S., Chicago, Ill.
 Towne, Charles A., New York, N. Y.
 Townes, John C., Austin, Tex.
 Townes, William A., Wilmington, N. C.
 Towns, Mirabeau L., New York, N. Y.
 Townsend, Charles C., Philadelphia, Pa.
 Townshend, Henry H., New Haven, Conn.
 Trabue, Edmund F., Louisville, Ky.
 Tracey, James F., Albany, N. Y.
 Tracy, Benjamin F., New York, N. Y.
 Travis, George Clark, Boston, Mass.
 Travis, S. E., Hattiesburg, Miss.
 Traxler, Charles J., Minneapolis, Minn.
 Treadwell, Leman B., New York, N. Y.
 Trefethen, D. B., Seattle, Wash.
 Trenholm, Frank, New York, N. Y.
 Trickett, William, Carlisle, Pa.
 Trieber, Jacob, Little Rock, Ark.
 Trimble, James M., Chattanooga, Tenn.
 Trimble, William P., Seattle, Wash.
 Tripp, William M., Wells, Me.
 Trippet, Oscar A., Los Angeles, Cal.
 Trott, Joseph M., Bath, Me.
 Troup, Charles, Danville, Ill.
 Troy, Alexander, Montgomery, Ala.
 Tryon, Charles J., Minneapolis, Minn.
 Tucker, Charles Cowles, Washington, D. C.
 Tucker, George F., Boston, Mass.
 Tucker, Henry St. George, Lexington, Va.
 Tucker, Wilmon, Seattle, Wash.
 Tullis, Robert L., Baton Rouge, La.
 Tunstall, Robert B., Norfolk, Va.
 Turner, Frank G., Baltimore, Md.
 Turner, George, Spokane, Wash.
 Turner, Harry R., Fargo, N. D.
 Turner, Jesse, Van Buren, Ark.
 Turner, L. T., Seattle, Wash.
 Turner, Smith D., Parkersburg, W. Va.
 Turner, William J., Milwaukee, Wis.
 Turner, William Jay, Philadelphia, Pa.
 Turney, John E., Nashville, Tenn.
 Turrell, Edgar A., New York, N. Y.
 Tustin, Ernest L., Philadelphia, Pa.
 Tuthill, Harry B., Michigan City, Ind.
 Tuttle, J. Birney, New Haven, Conn.
 Tuttle, Jos. P., Hartford, Conn.
 Twitchell, LaFayette, Denver, Col.
 Tye, John L., Atlanta, Ga.
 Tyler, Charles H., Boston, Mass.
 Tyler, Frederick S., Washington, D. C.
 Tyler, Marion L., Boston, Mass.
 Tyne, Thomas J., Nashville, Tenn.
 Tyng, Stephen H., Boston, Mass.
 Ueland, A., Minneapolis, Minn.
 Ullmann, Frederic, Chicago, Ill.
 Umbel, Robert E., Uniontown, Pa.
 Umbreit, A. C., Milwaukee, Wis.
 Underwood, Arthur W., Chicago, Ill.
 Untermyer, Samuel, New York, N. Y.
 Urion, Alfred R., Chicago, Ill.
 Urner, Hammond, Frederick, Md.
 Usera, Jose Hernandez, San Juan, P. R.
 Vahey, James H., Boston, Mass.
 Vaile, Joel F., Denver, Col.
 Vale, Ruby R., Philadelphia, Pa.
 Van Allen, John W., Buffalo, N. Y.
 Vanamee, William, Newburgh, N. Y.
 Van Buskirk, DeWitt, Bayonne, N. J.
 Vance, William R., New Haven, Conn.
 Van Cise, Edwin, Denver, Col.
 Van Cleef, James H., New Brunswick, N. J.
 Van Cott, Waldemar, Salt Lake City, Utah.
 VanDeman, John N., Dayton, Ohio.
 Vandervort, James W., Parkersburg, W. Va.
 Van Devanter, Willis (Washington, D. C.), Cheyenne, Wyo.
 Van Deventer, Horace, Knoxville, Tenn.
 Van Dusen, James H., Omaha, Neb.
 Van Dusen, Louis H., Philadelphia, Pa.
 Van Dyke, George D., Milwaukee, Wis.
 Van Dyke, Henry S., Los Angeles, Cal.
 Van Dyke, William D., Milwaukee, Wis.
 Van Etten, John G., Kingston, N. Y.
 Van Everen, Horace, Boston, Mass.
 Van Iderstine, Robert, New York, N. Y.
 Van Orsdel, Josiah A., Washington, D. C.
 Vans Agnew, P. A., Kissimmee, Fla.
 Van Sinderen, Howard, New York, N. Y.
 Van Slyck, George W., New York, N. Y.
 Van Winkle, W. W., Parkersburg, W. Va.
 Van Zante, John, Portland, Ore.
 Varian, Alfred Wright, New York, N. Y.
 Varian, Charles S., Salt Lake City, Utah.
 Vates, William B., Pueblo, Col.
 Vaughan, Ernest H., Worcester, Mass.
 Vaughan, Henry G., Boston, Mass.
 Vaughan, Wm. W., Boston, Mass.
 Vaughn, Robert, Nashville, Tenn.
 Veasey, James A., Bartlesville, Okla.
 Veeder, Henry, Chicago, Ill.
 Vernon, Irving E., Portland, Me.

- Verrill, Harry M., Portland, Me.
 Vertrees, John J., Nashville, Tenn.
 Vesey, Allen J., Fort Wayne, Ind.
 Vierling, Frederick, St. Louis, Mo.
 Vieu, Henry A., New York, N. Y.
 Villard, Harold G., New York, N. Y.
 Vineyard, J. J., Kansas City, Mo.
 Virgin, Harry Rush, Portland, Me.
 Viti, Marcel A., Philadelphia, Pa.
 Voigt, John F., Jr., Chicago, Ill.
 von Moschzisker, Robert, Philadelphia, Pa.
 Voorhees, Harvey C., Boston, Mass.
 Voorhees, John H., Sioux Falls, S. D.
 Voorhees, Reese H., Spokane, Wash.
 Voorhees, Willard P., New Brunswick, N. J.
 Vorhaus, Louis J., New York, N. Y.
 Vorys, Arthur I., Columbus, Ohio.
 Vroman, Charles E., Chicago, Ill.
 Vroom, Garrett D. W., Trenton, N. J.
 Waddill, C. J., Madisonville, Ky.
 Wade, M. J., Iowa City, Iowa.
 Wadhams, Frederick E., Albany, N. Y.
 Waggener, Balie P., Atchison, Kan.
 Waggener, William P., Atchison, Kan.
 Wagner, Franklin Allan, New York, N. Y.
 Wagner, E. E., Mitchell, S. D.
 Wagner, George M., Philadelphia, Pa.
 Wagner, Hugh K., St. Louis, Mo.
 Wagstaff, Thos. E., Independence, Kan.
 Waguespack, W. J., New Orleans, La.
 Wait, Wm. Cushing, Boston, Mass.
 Waite, Edward F., Minneapolis, Minn.
 Wakefield, John Lathrop, Boston, Mass.
 Wakefield, William J. C., Spokane, Wash.
 Wakeley, Eleazer, Omaha, Neb.
 Waldo, Benjamin T., New Orleans, La.
 Waldo, George E., New York, N. Y.
 Waldo, John F. C., New Orleans, La.
 Walker, Albert H., New York, N. Y.
 Walker, Henry G., Iowa City, Iowa.
 Walker, Legare, Summerville, S. C.
 Walker, Paul E., Topeka, Kan.
 Walker, Philip, Washington, D. C.
 Walker, Platt D., Raleigh, N. C.
 Walker, Robert F., St. Louis, Mo.
 Walker, W. R., Athens, Ala.
 Walker, Wm. A., Jr., Milwaukee, Wis.
 Wall, George W., Du Quoin, Ill.
 Wall, Isaac D., Baton Rouge, La.
 Wall, John P., Tampa, Fla.
 Wall, William Winans, New Orleans, La.
 Waller, Claude, Nashville, Tenn.
 Walling, Stuart D., Denver, Col.
 Wallingford, John D., Des Moines, Iowa.
 Walsh, Arthur R., New York, N. Y.
 Walsh, James A., Helena, Mont.
 Walsh, Mark A., Clinton, Iowa.
 Walsh, Robert Jay, Greenwich, Conn.
 Walsh, Thomas J., Helena, Mont.
 Walsh, Vincent J., Chicago, Ill.
 Walsh, William E., Cumberland, Md.
 Walshe, George C., New Orleans, La.
 Walter, Luther M., Chicago, Ill.
 Walter, Moses R., Baltimore, Md.
 Walther, Lambert E., St. Louis, Mo.
 Walton, Charles W., Kingston, N. Y.
 Walton, Clifford S., Washington, D. C.
 Walton, Henry F., Philadelphia, Pa.
 Walton, J. F., New Orleans, La.
 Walton, Robert Kelsey, New York, N. Y.
 Wambaugh, Eugene, Cambridge, Mass.
 Ward, Benjamin G., Portland, Me.
 Ward, H. Judd, Troy, N. Y.
 Ward, Hamilton, Buffalo, N. Y.
 Ward, Henry Galbraith, New York, N. Y.
 Ward, Henry M., New York, N. Y.
 Ward, Herbert H., Wilmington, Del.
 Wardner, G. Philip, Boston, Mass.
 Ware, Charles Eliot, Fitchburg, Mass.
 Ware, John Roland, Minneapolis, Minn.
 Warfield, Edwin, Baltimore, Md.
 Warfield, F. P., New York, N. Y.
 Warner, Charles E., Fort Smith, Ark.
 Warner, Donald T., Salisbury, Conn.
 Warner, Henry E., Boston, Mass.
 Warner, James Harold, Mexico City, Mex.
 Warner, John DeWitt, New York, N. Y.
 Warner, Joseph B., Boston, Mass.
 Warner, Stanley Clark, Denver, Col.
 Warren, Edward H., Boston, Mass.
 Warrington, John W., Cincinnati, Ohio.
 Washburn, Jed L., Duluth, Minn.
 Washburn, William D., Chicago, Ill.
 Waterman, Charles W., Denver, Col.
 Waterman, Lewis Anthony, Providence, R. I.
 Waters, Asa W. (Cambridge, Mass.), Philadelphia, Pa.
 Waters, Bertram G., Boston, Mass.
 Waters, Henry J., Princess Anne, Md.
 Waters, J. S. T., Baltimore, Md.
 Waters, Louis L., Syracuse, N. Y.
 Watkins, Edgar, Atlanta, Ga.
 Watkins, Henry H., Anderson, S. C.
 Watrous, George D., New Haven, Conn.
 Watson, Archibald Robinson, New York, N. Y.
 Watson, David Thompson, Pittsburg, Pa.

- Watson, Edward M., Honolulu, Hawaii.
 Watson, James T., Duluth, Minn.
 Watterson, A. V. D., Pittsburg, Pa.
 Wattenscheidt, Christopher R., Baltimore, Md.
 Watts, Cornelius C., Charleston, W. Va.
 Watts, Legh R., Portsmouth, Va.
 Watts, Millard F., St. Louis, Mo.
 Way, William A., Pittsburg, Pa.
 Wead, Leslie C., Boston, Mass.
 Weadock, Thomas A. E., Detroit, Mich.
 Weakley, Samuel D., Birmingham, Ala.
 Weatherly, James, Birmingham, Ala.
 Weaver, James B., Jr., Des Moines, Iowa.
 Weaver, John, Philadelphia, Pa.
 Webb, Howard C., New Haven, Conn.
 Webb, James H., New Haven, Conn.
 Webb, Willoughby Lane, New York, N. Y.
 Webber, George, Texarkana, Ark.
 Webber, George Curtis, Auburn, Me.
 Webber, Marshall B., Winona, Minn.
 Webber, Marvelle C., Rutland, Vt.
 Webber, T. E., Texarkana, Ark.
 Webster, John L., Omaha, Neb.
 Webster, Lionel R., Portland, Ore.
 Weed, Alonzo R., Boston, Mass.
 Weil, A. Leo, Pittsburg, Pa.
 Weil, Arnold Charles, New York, N. Y.
 Weil, Jonas, Minneapolis, Minn.
 Weimer, Albert B., Philadelphia, Pa.
 Welch, E. C., Cottdale, Fla.
 Welch, Thomas Cary, Manila, P. I.
 Welch, W. S., Laurel, Miss.
 Wellford, Beverly Randolph, Richmond, Va.
 Wellman, Arthur H., Boston, Mass.
 Wells, Ben H., Jackson, Miss.
 Wells, Frank, Oklahoma City, Okla.
 Wells, Hosea W., Chicago, Ill.
 Wells, P. A., Omaha, Neb.
 Wells, T. Tileston, New York, N. Y.
 Wemple, William L., New York, N. Y.
 Wendt, John S., Pittsburg, Pa.
 Wensley, Robert L., New York, N. Y.
 Wenzell, Henry Burleigh, St. Paul, Minn.
 Werner, Charles H., New York, N. Y.
 Werner, Percy, St. Louis, Mo.
 Wesselman, Henry B., New York, N. Y.
 West, Joel W., Omaha, Neb.
 West, Preston C., Muskogee, Okla.
 West, Roy O., Chicago, Ill.
 West, Samuel H., St. Louis, Mo.
 West, Thomas Franklin, Milton, Fla.
 Weston, Robert Dickson, Boston, Mass.
 Weston, Thomas, Jr., Boston, Mass.
 Westwood, Herman J., Fredonia, N. Y.
 Wetherill, Charles, Philadelphia, Pa.
 Wetherill, John Lawrence, Philadelphia, Pa.
 Wetmore, Edmund, New York, N. Y.
 Wetmore, Silas McBee, Spartanburg, S. C.
 Whalen, John, New York, N. Y.
 Wharton, Wm. F., Boston, Mass.
 Wheatley, H. Winship, Washington, D. C.
 Wheeler, Arthur Dana, Chicago, Ill.
 Wheeler, Charles K., Paducah, Ky.
 Wheeler, Everett P., New York, N. Y.
 Wheeler, James E., New Haven, Conn.
 Wheeler, Seth S., Lima, Ohio.
 Wheelock, William W., Chicago, Ill.
 Wheelwright, John O. P., Minneapolis, Minn.
 Whelan, Ralph, Minneapolis, Minn.
 Wheless, Joseph, St. Louis, Mo.
 Whipple, Sherman L., Boston, Mass.
 White, Alden P., Salem, Mass.
 White, Benjamin D., Norfolk, Va.
 White, Benjamin T., Omaha, Neb.
 White, Edward J., Kansas City, Mo.
 White, Frank Owen, Boston, Mass.
 White, Frank S., Birmingham, Ala.
 White, Frank S., Jr., Birmingham, Ala.
 White, George Thomas, Chattanooga, Tenn.
 White, H. H., Alexandria, La.
 White, Henry C., New Haven, Conn.
 White, Luther, Chicopee, Mass.
 White, Moses Perkins, Boston, Mass.
 White, Robert, Wheeling, W. Va.
 White, S. Harrison, Denver, Col.
 White, Thomas W., St. Louis, Mo.
 White, Wallace H., Lewiston, Me.
 White, William G., St. Paul, Minn.
 White, William Henry, Jr., Norfolk, Va.
 Whitecotton, J. W. N., Provo, Utah.
 Whitehead, John M., Janesville, Wis.
 Whitehouse, Samuel S., New York, N. Y.
 Whitehouse, William P., Augusta, Me.
 Whiteley, Richard H., Boulder, Col.
 Whitelock, George, Baltimore, Md.
 Whiteside, Alexander, Boston, Mass.
 Whitford, Daniel, New York, N. Y.
 Whiting, Borden D., Newark, N. J.
 Whiting, Charles S., Pierre, S. D.
 Whitlock, Henry C., Philadelphia, Pa.
 Whitlock, Victor E., New York, N. Y.
 Whitman, Edmund A., Boston, Mass.
 Whitman, Malcolm D. (Boston, Mass.), New York, N. Y.
 Whitman, Russell, Chicago, Ill.

- Whitmore, Chester W., Ottumwa, Iowa.
 Whitted, Elmer E., Denver, Col.
 Whittemore, Charles A., Boston, Mass.
 Whittemore, James, Detroit, Mich.
 Whittier, Clarke B., Chicago, Ill.
 Whittlesey, Granville, New York, N. Y.
 Whittlesey, John J., Pittsfield, Mass.
 Wickersham, George W. (Washington, D. C.), New York, N. Y.
 Wickes, Lewin W., Chestertown, Md.
 Widaman, John D., Warsaw, Ind.
 Wier, Frederick N., Lowell, Mass.
 Wierum, Otto C., Jr., New York, N. Y.
 Wigman, J. H. M., Green Bay, Wis.
 Wignmore, John H., Chicago, Ill.
 Wilcox, Ansley, Buffalo, N. Y.
 Wilcox, Elmer A., Iowa City, Iowa.
 Wilcox, William A., Scranton, Pa.
 Wild, Robert, Milwaukee, Wis.
 Wilder, L. H., Norton, Kan.
 Wilder, William Royal, New York, N. Y.
 Wildes, Charles D., Raleigh, N. C.
 Wiles, Thomas L., Boston, Mass.
 Wiley, Robert E., Little Rock, Ark.
 Wilfley, Lebbeus R. (Mexico City, Mex.), St. Louis, Mo.
 Wilfley, Xenophen P., St. Louis, Mo.
 Wilgus, Horace L., Ann Arbor, Mich.
 Wilkerson, James H., Chicago, Ill.
 Wilkin, Charles A., Fairplay, Col.
 Wilkins, Charles T., Detroit, Mich.
 Wilkinson, Adolphus C., North Yakima, Wash.
 Wilkinson, Albert H., Detroit, Mich.
 Wilkinson, Ernest, Washington, D. C.
 Willcox, Orlando B., New York, N. Y.
 Willcox, P. Alstin, Florence, S. C.
 Willett, Joseph J., Anniston, Ala.
 Williams, Arthur B., Battle Creek, Mich.
 Williams, David W., Boston, Mass.
 Williams, E. P., Galesburg, Ill.
 Williams, E. Randolph, Richmond, Va.
 Williams, Ferdinand, Cumberland, Md.
 Williams, Frank B., New York, N. Y.
 Williams, Frederic M., New Milford, Conn.
 Williams, Henry Davison, New York, N. Y.
 Williams, Henry W., Baltimore, Md.
 Williams, Ira Jewell, Philadelphia, Pa.
 Williams, J. Henry, Philadelphia, Pa.
 Williams, James A., Spokane, Wash.
 Williams, James C., Kansas City, Mo.
 Williams, Joe V., Chattanooga, Tenn.
 Williams, John G., Duluth, Minn.
 Williams, John G., Indianapolis, Ind.
 Williams, P. L., Salt Lake City, Utah.
 Williams, R. P., St. Louis, Mo.
 Williams, Samuel C., Johnson City, Tenn.
 Williams, Stevenson A., Bel Air, Md.
 Williams, Wm. H., Derby, Conn.
 Williams, Wm. Leigh, Norfolk, Va.
 Williamson, James F., Minneapolis, Minn.
 Williamson, John I., Kansas City, Mo.
 Williamson, W. B., Lake Charles, La.
 Williamson, W. H., Nashville, Tenn.
 Williamson, W. Preston, Washington, D. C.
 Willing, Robert P., Jackson, Miss.
 Willis, George R., Baltimore, Md.
 Willis, M. H., New Martinsville, W. Va.
 Williston, Samuel (Cambridge, Mass.), Belmont, Mass.
 Wilmer, L. Allison, La Plata, Md.
 Wilson, Butler R., Boston, Mass.
 Wilson, Cephas L., Marianna, Fla.
 Wilson, Charles A., Providence, R. I.
 Wilson, Charles M., Grand Rapids, Mich.
 Wilson, Clarence R., Washington, D. C.
 Wilson, Coryate S., Duluth, Minn.
 Wilson, Edmund, Red Bank, N. J.
 Wilson, Emmett, Pensacola, Fla.
 Wilson, F. A., Bangor, Me.
 Wilson, Francis C., Santa Fe, N. M.
 Wilson, George L., Boston, Mass.
 Wilson, George P., Minneapolis, Minn.
 Wilson, Henry H., Lincoln, Neb.
 Wilson, John N., Greensboro, N. C.
 Wilson, Julian C., Memphis, Tenn.
 Wilson, Mahlen E., Salt Lake City, Utah.
 Wilson, Nathaniel, Washington, D. C.
 Wilson, Virgil C., Portland, Me.
 Wilson, W. F., Oklahoma City, Okla.
 Wilson, Woodrow (Trenton), Princeton, N. J.
 Wimblish, W. A., Atlanta, Ga.
 Winders, C. H., Seattle, Wash.
 Windes, Thomas G., Chicago, Ill.
 Windle, William S., West Chester, Pa.
 Wineman, Jacob B., Grand Forks, N. D.
 Winfree, W. H., Spokane, Wash.
 Wing, Arthur K., New York, N. Y.
 Wing, George Curtis, Auburn, Me.
 Wing, Henry T., New York, N. Y.
 Wingfield, Gustavus A., Norfolk, Va.
 Winkler, Frederick C., Milwaukee, Wis.
 Winslow, William Beverly, New York, N. Y.

- Winston, R. W., Raleigh, N. C.
 Winterer, Herman, Valley City, N. D.
 Winternitz, Benjamin A., New Castle, Pa.
 Winterstein, Abram H., Philadelphia, Pa.
 Wise, Edmond E., New York, N. Y.
 Wise, Henry A., New York, N. Y.
 Wise, Henry M., New York, N. Y.
 Wise, Jesse H., Pittsburg, Pa.
 Wislizenus, Fred A., St. Louis, Mo.
 Withington, David L., Honolulu, Hawaii.
 Withrow, James E., St. Louis, Mo.
 Woerner, Wm. F., St. Louis, Mo.
 Wolf, Gustave A., Grand Rapids, Mich.
 Wolfe, William Henry, Parkersburg, W. Va.
 Wolff, Oscar, Baltimore, Md.
 Wolff, Solomon, New Orleans, La.
 Wollman, Henry, New York, N. Y.
 Wolverton, Charles E., Portland, Ore.
 Womack, T. J., Alva, Okla.
 Wood, Benjamin A., St. Louis, Mo.
 Wood, C. E. S., Portland, Ore.
 Wood, Fremont, Boise, Ida.
 Wood, John M., St. Louis, Mo.
 Wood, L. Elmer, Fall River, Mass.
 Wood, Sol A., Fort Wayne, Ind.
 Wood, Sterling A., Birmingham, Ala.
 Wood, Sterling M., Milwaukee, Wis.
 Woodard, Fred. A., Wilson, N. C.
 Woodford, Stewart L., New York, N. Y.
 Woodman, Albert S., Portland, Me.
 Woodman, Edward, Portland, Me.
 Woodrough, Joseph W., Omaha, Neb.
 Woodruff, Charles M., Detroit, Mich.
 Woodruff, Clinton Rogers, Philadelphia, Pa.
 Woodruff, Edwin H., Ithaca, N. Y.
 Woodruff, George M., Litchfield, Conn.
 Woods, Charles Albert, Marion, S. C.
 Woods, Edgar H., Rosedale, Miss.
 Woods, Frank H., Lincoln, Neb.
 Woods, J. H., Corsicana, Tex.
 Woods, John Carter Brown, Providence, R. I.
 Woods, Samuel B., Jr., Fort Smith, Ark.
 Woods, William W., Wallace, Idaho.
 Woodward, Frederic C., Stanford Univ., Cal.
 Woodward, John Butler, Wilkesbarre, Pa.
 Woolsey, Theo. S., New Haven, Conn.
 Worcester, Edwih D., New York, N. Y.
 Worden, Warren A., Tacoma, Wash.
 Work, James C., Uniontown, Pa.
 Work, James Henry, New York, N. Y.
 Works, John D., Los Angeles, Cal.
 Worthington, Thomas, Jacksonville, Ill.
 Worthington, William, Cincinnati, Ohio.
 Wright, Arthur, New York, N. Y.
 Wright, Arthur W., Austin, Minn.
 Wright, Barry, Rome, Ga.
 Wright, Boardman, New York, N. Y.
 Wright, Carroll, Des Moines, Iowa.
 Wright, Charles H., Pittsfield, Mass.
 Wright, George E., Seattle, Wash.
 Wright, James B., Knoxville, Tenn.
 Wright, William A., New Haven, Conn.
 Wrightington, S. R., Boston, Mass.
 Wrightsman, Charles J., Tulsa, Okla.
 Wurts, John, New Haven, Conn.
 Wurzer, F. Henry, South Bend, Ind.
 Wurzer, Louis C., Detroit, Mich.
 Wyckoff, J. Edwards, New York, N. Y.
 Wyman, Frank T., Boise, Ida.
 Wyman, G. H., Anoka, Minn.
 Wyman, Harry C., Boise, Ida.
 Wyman, Henry A., Boston, Mass.
 Wysor, Joseph C., Pulaski City, Va.
 Yancey, David Walker, Manila, P. I.
 Yarrell, Leonidas D., Emporia, Va.
 Yeaman, Caldwell, Denver, Col.
 Yeaman, James M., Henderson, Ky.
 Yerkes, George B., Detroit, Mich.
 Yerkes, John W., Washington, D. C.
 Youmans, Frank A., Fort Smith, Ark.
 Young, Charles H., New York, N. Y.
 Young, David K., Clinton, Tenn.
 Young, Edward B., St. Paul, Minn.
 Young, Eugene N. L., Long Island City, N. Y.
 Young, George B., Newport, Vt.
 Young, George R., Dayton, Ohio.
 Young, J. P., Memphis, Tenn.
 Young, Newton C., Fargo, N. D.
 Young, Owen D., Boston, Mass.
 Young, Stephen Emerson, Boston, Mass.
 Young, Thomas, Huntington, N. Y.
 Youngman, William S., Boston, Mass.
 Zabriskie, George, New York, N. Y.
 Zane, John M., Chicago, Ill.
 Zeisler, Sigmund, Chicago, Ill.
 Zollicoffer, A. C., Henderson, N. C.
 Zollman, F. W., St. Paul, Minn.
 Zuntz, James E., New Orleans, La.
- HONORARY MEMBER.
- Bryce, James, British Ambassador,
 Washington, D. C.

STATE LIST OF MEMBERS

1911-1912.

ALABAMA.

Anderson, David S., Birmingham.
 Ball, Fred S., Montgomery.
 Bromberg, Frederick G., Mobile.
 †Brown, Lawrence E., Scottsboro.
 Cabaniss, E. H., Birmingham.
 †Coleman, Phares, Montgomery.
 Cooper, George P., Huntsville.
 Cooper, Lawrence, Huntsville.
 Crum, B. P., Montgomery.
 DeGraffenried, Edward, Greensboro.
 Dent, S. H., Jr., Montgomery.
 †Foster, A. B., Troy.
 Godbey, E. W., Decatur.
 †Goodwyn, Robert Tyler, Montgomery.
 †Guntor, Gaston, Montgomery.
 Harrison, George P., Opelika.
 Hundley, Oscar R., Birmingham.
 Jeffries, L. E., Selma.
 Jones, George W., Montgomery.
 Jones, Thomas G., Montgomery.
 Mallory, H. S. D., Selma.
 Martin, Thomas W., Montgomery.
 McAlpine, John W., Mobile.
 O'Neal, Emmett (Montgomery), Florence.
 Percy, Walker, Birmingham.
 Pride, James H., Huntsville.
 †Prince, Sydney Rhodes, Mobile.
 †Rushton, Ray, Montgomery.
 Selheimer, Henry C., Birmingham.
 Shelby, David D., Huntsville.
 Sims, Henry Upson, Birmingham.
 Smith, A. G., Birmingham.
 Smith, Gregory L., Mobile.
 †Speake, Paul, Huntsville.
 Stern, Philip H., Montgomery.
 Stokely, J. T., Birmingham.
 Stollenwerck, Frank, Jr., Montgomery.
 Thomas, William H., Montgomery.
 Tillman, John P., Birmingham.
 †Troy, Alexander, Montgomery.

†Walker, W. R., Athens.
 Weakley, Samuel D., Birmingham.
 Weatherly, James, Birmingham.
 White, Frank S., Birmingham.
 White, Frank S., Jr., Birmingham.
 Willett, Joseph J., Anniston.
 Wood, Sterling A., Birmingham.

ALASKA TERRITORY.

Cushman, Edward E., Valdez.

ARIZONA.

Burks, Paul, Prescott.
 †Clark, E. S., Prescott.
 Cox, Frank, Phoenix.
 Ellinwood, Everett E., Bisbee.
 Hawkins, John J., Prescott.
 †Herring, William, Tucson.
 Kent, Edward, Phoenix.
 †Ling, Reese M., Prescott.
 Morrison, Robert E., Prescott.
 †Neale, George H., Bisbee.
 †O'Connell, J. M., Bisbee.
 Ross, John Mason, Bisbee.
 †Smith, Frank O., Prescott.

ARKANSAS.

†Armistead, Henry M., Little Rock.
 Arnold, William H., Texarkana.
 Blackwood, John W., Little Rock.
 †Bradshaw, De E., Little Rock.
 Brizzolara, James, Fort Smith.
 Cantrell, Deaderick H., Little Rock.
 †Carmichael, J. H., Little Rock.
 †Carter, Jacob M., Texarkana.
 Cockrill, Ashley, Little Rock.
 Cohn, Morris M., Little Rock.
 †Coleman, Charles T., Little Rock.
 †Coleman, W. F., Pine Bluff.
 †Coston, J. T., Osceola.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

†Cunningham, C. A., Little Rock.
 †Falconer, Wm. A., Fort Smith.
 Fitzhugh, Henry L., Fort Smith.
 †Gaughan, Thomas J., Camden.
 †Gautney, J. F., Jonesboro.
 †Hawthorne, D. K., Jonesboro.
 Hicks, John T., Little Rock.
 Hill, Joseph M., Fort Smith.
 †Hon, Daniel, Fort Smith.
 †Huff, C. Floyd, Hot Springs.
 †Johnson, B. S., Little Rock.
 †Johnson, James V., Little Rock.
 Jones, Gustave, Newport.
 †Kinsworthy, E. B., Little Rock.
 †Kirby, Wm. F., Little Rock.
 †Lamb, W. J., Osceola.
 †Lewis, W. M., Little Rock.
 †Loughborough, J. F., Little Rock.
 †Mann, Richard M., Texarkana.
 †Mann, Samuel H., Forrest City.
 †Manning, Middleton J., Little Rock.
 †Martin, W. H., Hot Springs.
 †Mehaffy, T. M., Little Rock.
 †Miles, Lovick P., Fort Smith.
 Miles, Oscar L., Fort Smith.
 †Moore, Henry, Texarkana.
 Moore, John M., Little Rock.
 †Moose, William L., Morrilton.
 McDonough, James B., Fort Smith.
 †McKenzie, H. B., Prescott.
 †McRae, Thomas C., Prescott.
 †Norton, N. W., Forrest City.
 †Pace, Frank, Little Rock.
 †Quinn, Frank S., Texarkana.
 Ratcliffe, Cummins, Little Rock.
 Ratcliffe, William C., Little Rock.
 Read, James F., Fort Smith.
 †Riddick, W. G., Little Rock.
 †Robinson, Jos. T., Lonoke.
 Rodgers, W. C., Nashville.
 Rose, George B., Little Rock.
 Rose, U. M., Little Rock.
 †Smith, Frank, Marion.
 Smith, William B., Little Rock.
 †Southmayd, L. H., Van Buren.
 Stayton, Joseph M., Newport.
 †Stevenson, Jas. H., Little Rock.
 †Terry, Walter J., Little Rock.
 †Tompkins, William V., Prescott.
 Trieber, Jacob, Little Rock.
 Turner, Jesse, Van Buren.
 Warner, Charles E., Fort Smith.
 †Webber, George, Texarkana.

†Webber, T. E., Texarkana.
 †Wiley, Robert E., Little Rock.
 †Woods, Samuel B., Jr., Fort Smith.
 Youmans, Frank A., Fort Smith.

CALIFORNIA.

Allen, E. Lee, Los Angeles.
 Anderson, J. A., Los Angeles.
 Barclay, Henry Augustus, Los Angeles.
 Barry, Edmund D., Los Angeles.
 †Brown, William A., Los Angeles.
 Britt, E. W., Los Angeles.
 †Call, Joseph H., Los Angeles.
 Campbell, Ira A., San Francisco.
 Carpenter, Samuel L., Los Angeles.
 Chandler, Jefferson, Los Angeles.
 Chickering, W. H., San Francisco.
 Corbet, Burke, San Francisco.
 Craig, Gavin W., Los Angeles.
 †Craig, William T., Los Angeles.
 †Daney, Eugene, San Diego.
 Denis, George J., Los Angeles.
 †Dillon, Henry Clay, Los Angeles.
 Dockweiler, Isidore B., Los Angeles.
 Dorr, Charles W. (Seattle, Wash.), San Francisco.
 Dunne, Peter F., San Francisco.
 Eickhoff, Henry, San Francisco.
 Fuller, George, San Diego.
 Gibson, James A., Los Angeles.
 Graff, M. L., Los Angeles.
 Gray, Roscoe Spaulding, Oakland.
 Helm, Lynn, Los Angeles.
 Herrin, William J., San Francisco.
 Huberich, Chas. Henry, San Francisco.
 Hunsaker, William J., Los Angeles.
 Job, Thomas C., Los Angeles.
 Kemp, John W., Los Angeles.
 †Lee, Bradner W., Los Angeles.
 Leeds, Walter R., Los Angeles.
 †Lewis, T. L., San Diego.
 Lindley, Curtis H., San Francisco.
 Loewenthal, Max, Los Angeles.
 Meserve, Edwin A., Los Angeles.
 Milliken, E. E., Los Angeles.
 Monroe, Charles, Los Angeles.
 Morton, William O., Los Angeles.
 Mueller, Oscar C., Los Angeles.
 McKinley, J. W., Los Angeles.
 Newlin, Gurney E., Los Angeles.
 Porter, Frank M., Los Angeles.
 Reed, Albert A., Boulder.
 Scott, Joseph, Los Angeles.

† Elected by Executive Committee between meetings, 1910-11.

Smith, Sam. Ferry, San Diego.
 Storrs, Henry E., Los Angeles.
 Thayer, Rufus C., San Francisco.
 Thomas, William H., Santa Ana.
 Titus, H. L., San Diego.
 Trippet, Oscar A., Los Angeles.
 Van Dyke, Henry S., Los Angeles.
 Woodward, Frederic C., Stanford Univ.
 Works, John D., Los Angeles.

COLORADO.

†Adams, Alva B., Pueblo.
 Allen, George W., Denver.
 Annis, Frank J., Fort Collins.
 Babb, Henry B., Denver.
 Bailey, Morton S., Denver.
 Bartels, Gustave C., Denver.
 Beardsley, Arthur L., Glenwood Springs.
 Bell, Joseph C., Trinidad.
 Bennett, Edmon G., Denver.
 Blood, James H., Denver.
 Bonyng, Robert W., Denver.
 Bouck, Francis E., Leadville.
 Brock, Charles R., Denver.
 Brooks, Franklin E., Colorado Springs.
 Brown, James H., Denver.
 Bryant, William H., Denver.
 Butler, Hugh, Denver.
 Campbell, John, Denver.
 Campbell, Norman M., Colorado Springs.
 Cavender, Charles, Leadville.
 Chittenden, Granville I., Denver.
 Collins, O. E., Colorado Springs.
 Costigan, Edward P., Denver.
 Curtis, Leonard E., Colorado Springs.
 Cuthbert, Lucius M., Denver.
 Davis, Harry C., Denver.
 Davis, Walter W., Leadville.
 Dawson, Clyde C., Denver.
 Devine, Thomas H., Pueblo.
 Dines, Orville L., Denver.
 Dines, Tyson S., Denver.
 Dixon, John R., Denver.
 Dorsey, Clayton C., Denver.
 Dubbs, Henry A., Denver.
 Dunklee, George F., Denver.
 Ellis, Daniel B., Denver.
 Ewing, John A., Leadville.
 Fleming, John D., Boulder.
 †Fleming, Russell W., Fort Collins.
 Gabbert, William H., Denver.
 Gabriel, John H., Denver.
 Gandy, Newton S., Colorado Springs.

†Gast, Robert S., Pueblo.
 Goddard, Luther M., Denver.
 †Goss, Melvin C., Boulder.
 Gove, Frank E., Denver.
 Gregg, Frank E., Denver.
 Grozier, Joshua, Denver.
 Gunter, Julius C., Denver.
 Haggott, W. A., Idaho Springs.
 Hall, Henry C., Colorado Springs.
 Hallett, Moses, Denver.
 Hamlin, Clarence C., Colorado Springs.
 Harrison, William B., Denver.
 Hartman, William L., Pueblo.
 Haynes, H. N., Greeley.
 Hayt, Charles D., Denver.
 Herrington, Cass E., Denver.
 Herrington, Fred, Denver.
 Hersey, Henry J., Denver.
 Hodges, George L., Denver.
 Hodges, William V., Denver.
 Hood, Thomas H., Denver.
 Kelly, Harry E., Denver.
 Killian, James R., Denver.
 King, Alfred R., Delta.
 Lee, Paul W., Fort Collins.
 Lewis, Robert E., Denver.
 Lindsley, Henry A., Denver.
 Lunt, Horace G., Colorado Springs.
 Manly, George C., Denver.
 Maxwell, John M., Denver.
 May, Henry F., Denver.
 Milliken, John D., Denver.
 Mollette, A. Rex, Durango.
 Morgan, William B., Trinidad.
 McAllister, Henry, Jr., Denver.
 McCreery, James W., Greeley.
 McDonough, Frank, Sr., Denver.
 McKnight, Richard, Denver.
 Northcutt, Jesse G., Trinidad.
 O'Donnell, Thomas J., Denver.
 †Preston, J. W., Pueblo.
 Ramsey, William R., Denver.
 Reddin, John H., Denver.
 Regennitter, Erwin L., Idaho Springs.
 Rogers, Henry T., Denver.
 Rogers, Platt, Denver.
 Sabin, Fred A., La Junta.
 Shafroth, John F., Denver.
 Sherman, Sterling S., Montrose.
 Smith, John R., Denver.
 Steele, Robert W., Denver.
 Stevenson, Archie M., Denver.
 Stevick, Guy LeRoy, Denver.

† Elected by Executive Committee between meetings, 1910-11.

†Stow, Fred W., Fort Collins.
 †Symes, J. Foster, Denver.
 Tears, Daniel W., Denver.
 Thomas, Charles S., Denver.
 Twitchell, LaFayette, Denver.
 Vaile, Joel F., Denver.
 VanCise, Edwin, Denver.
 Vates, William B., Pueblo.
 Walling, Stuart D., Denver.
 Warner, Stanley Clark, Denver.
 Waterman, Charles W., Denver.
 White, S. Harrison, Denver.
 Whiteley, Richard H., Boulder.
 Whitted, Elmer E., Denver.
 Wilkin, Charles A., Fairplay.
 Yeaman, Caldwell, Denver.

CONNECTICUT.

Alling, Arnon A., New Haven.
 †Alling, John W., New Haven.
 Anderson, Edwin G., Hartford.
 Andrews, James P., Hartford.
 Arvine, E. P., New Haven.
 Baldwin, Alfred C., Derby.
 Baldwin, Simcon E., New Haven.
 Beach, John K., New Haven.
 Beardsley, Morris B., Bridgeport.
 Beers, George E., New Haven.
 †Bill, Albert C., Hartford.
 Blake, James Kingsley, New Haven.
 Briscoe, Charles H., Hartford.
 Bronson, Nathaniel R., Waterbury.
 Brosmith, William, Hartford.
 †Case, Birdsey E., Hartford.
 Chase, Warren D., Hartford.
 Cleaveland, Livingston W., New Haven.
 Conant, George A., Hartford.
 Crane, Albert (New York, N. Y.),
 Stamford.
 Culver, M. Eugene, Middletown.
 Cummings, Homer S., Stamford.
 Davenport, Daniel, Bridgeport.
 Day, Harry G., New Haven.
 Edgerton, John W., New Haven.
 Fay, Frank S., Meriden.
 FitzGerald, David E., New Haven.
 Gager, Edwin B., Derby.
 †Greene, Gardiner, Norwich.
 †Haines, Frank D., Middletown.
 †Halliday, Wilbur T., Hartford.
 Harriman, Edward Avery, New Haven.

Herman, Samuel A., Winsted.
 †Hill, George E., Bridgeport.
 Hull, Hadlai A., New London.
 Hyde, William W., Hartford.
 Ives, J. Moss, Danbury.
 †Joslyn, Charles M., Hartford.
 †Kellogg, John P., Waterbury.
 Light, John H., South Norwalk.
 Loomis, Seymour C., New Haven.
 Maltbie, Theodore M., Hartford.
 †Mansfield, Burton, New Haven.
 Matthewson, Albert McClellan, New
 Haven.
 McGuire, Frank L., New London.
 Newton, Henry G., New Haven.
 †Parmalee, Henry F., New Haven.
 Peck, Epaphroditus, Bristol.
 Pelton, Charles A., Clinton.
 Perkins, Arthur, Hartford.
 †Perry, Fred L., New Haven.
 Phelps, Charles, Rockville.
 Pierce, Wilson H., Waterbury.
 †Pond, Philip, New Haven.
 †Reed, Joel Henry, Stafford Springs.
 Robbins, Edward D., New Haven.
 Rogers, Edward H., New Haven.
 Rogers, Henry Wade, New Haven.
 Russell, Talcott H., New Haven.
 Scott, Howard B., Danbury.
 Searls, Charles E., Putnam.
 †Seymour, Morris W., Bridgeport.
 Stanton, Lewis E., Hartford.
 Taylor, Frederick C., Stamford.
 Thomas, Edwin S., New Haven.
 Townshend, Henry H., New Haven.
 Tuttle, J. Birney, New Haven.
 †Tuttle, Jos. P., Hartford.
 Vance, William R., New Haven.
 Walsh, Robert Jay, Greenwich.
 Warner, Donald T., Salisbury.
 Watrous, George D., New Haven.
 Webb, Howard C., New Haven.
 Webb, James H., New Haven.
 Wheeler, James E., New Haven.
 White, Henry C., New Haven.
 Williams, Frederic M., New Milford.
 Williams, William H., Derby.
 Woodruff, George M., Litchfield.
 Woolsey, Theo. S., New Haven.
 Wright, William A., New Haven.
 Wurts, John, New Haven.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

CUBA

†Lamar, Lucius Q. C., Havana.

DELAWARE.

Bradford, Edward G., Wilmington.
 Garland, Hugh A., Wilmington.
 Gray, George, Wilmington.
 Higgins, Anthony, Wilmington.
 Hilles, William S., Wilmington.
 †Laffey, John P., Wilmington.
 Nields, Benjamin, Wilmington.
 Nields, John P., Wilmington.
 Saulsbury, Willard, Wilmington.
 Ward, Herbert H., Wilmington.

DISTRICT OF COLUMBIA.

Abert, William Stone, Washington.
 †Adkins, Hon. Jesse C., Washington.
 †Alexander, Thomson H., Washington.
 †Ambrose, William C., Washington.
 Anderson, Thomas H., Washington.
 Bacon, Levi Seward, Washington.
 Baker, Daniel W., Washington.
 †Baker, J. Newton, Washington.
 †Balderston, Walter C., Washington.
 Ballinger, Richard A., Washington.
 Barnard, Ralph P., Washington.
 Berry, Walter V. R., Washington.
 Blair, Henry P., Washington.
 Blair, John S., Washington.
 Bond, Samuel R., Washington.
 †Bradford, Ernest W., Washington.
 Britton, Alexander, Washington.
 Brock, Charles E., Washington.
 Brown, Chapin, Washington.
 Browne, Aldis B., Washington.
 Browne, Arthur S., Washington.
 Church, Joseph B., Washington.
 Church, Melville, Washington.
 Clephane, Walter C., Washington.
 Colbert, Michael J., Washington.
 †Cooke, Levi, Washington.
 †Crowder, Enos H., Washington.
 †Daish, John B., Washington.
 Davis, Henry E., Washington.
 De Lacy, William H., Washington.
 Dodge, William W., Washington.
 Donaldson, R. Golden, Washington.
 Doolittle, H. P. (San Francisco, Cal.)
 Washington.
 †Douglas, Charles A., Washington.

Dowell, Arthur E., Washington.
 Dowell, Julian C., Washington.
 Dunlop, G. Thomas, Washington.
 Edmonston, William E., Washington.
 Edson, Joseph R., Washington.
 Esterline, Blackburn, Washington.
 Fenning, Frederick A., Washington.
 Fisher, Robert J., Washington.
 Flannery, John Spalding, Washington.
 Foster, Charles E., Washington.
 †Fowler, James A., Washington.
 †Glassie, Henry Haywood, Washington.
 Grecley, Arthur P., Washington.
 Gregory, Charles Noble, Washington.
 †Hackett, Chauncey, Washington.
 Hagner, Alexander B., Washington.
 Hamilton, George Earnest, Washington.
 †Harlow, Leo P., Washington.
 Hayden, James H., Washington.
 †Henderson, William G., Washington.
 †Hitz, William, Washington.
 †Hogan, Frank J., Washington.
 Howard, George H., Washington.
 Kappler, Charles J., Washington.
 †Kenyon, J. Miller, Washington.
 King, George A., Washington.
 King, William B., Washington.
 Lancaster, Charles C., Washington.
 Lerner, John B., Washington.
 †Laskey, J. E., Washington.
 †Lawler, Oscar, Washington.
 Leckie, A. E. L., Washington.
 †Loving, Lucas P., Washington.
 Maddox, Samuel, Washington.
 Michener, L. T., Washington.
 Millan, William W., Washington.
 Minor, Benjamin S., Washington.
 Mohun, Barry, Washington.
 Morse, A. Porter, Washington.
 †McCalmont, Edward S., Washington.
 McGill, J. Nota, Washington.
 McKenney, Frederic D., Washington.
 †McLanahan, George K., Washington.
 †McMahon, John J., Washington.
 Page, Thomas Nelson, Washington.
 Penfield, Walter S., Washington.
 Perry, R. Ross, Jr., Washington.
 Ralston, Jackson H., Washington.
 Rogers, Walter F., Washington.
 Selden, John, Washington.
 Seymour, Henry A., Washington.
 Sherley, Swager, Washington.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Siddons, Frederick Lincoln, Washington.
 †Smith, John Lewis, Washington.
 Smith, Luther R., Washington.
 Snow, Alpheus H., Washington.
 †Spalding, E. W., Washington.
 Spear, Ellis, Washington.
 Sturtevant, Charles L., Washington.
 Sullivan, William O., Washington.
 Taylor, Hannis, Washington.
 †Thayer, Rufus H., Washington.
 Thom, Alfred P., Washington.
 Thom, Corcoran, Washington.
 †Thomas, Edward H., Washington.
 Thompson, Arthur R., Washington.
 Thurston, John M., Washington.
 †Toomey, James O., Washington.
 Tucker, Charles Cowles, Washington.
 †Tyler, Frederick S., Washington.
 Van Devanter, Willis, Washington.
 Van Orsdel, Josiah A., Washington.
 †Walker, Philip, Washington.
 Walton, Clifford S., Washington.
 †Wheatley, H. Winship, Washington.
 †Wilkinson, Ernest, Washington.
 Williamson, W. Preston, Washington.
 Wilson, Clarence R., Washington.
 Wilson, Nathaniel, Washington.
 †Yerkes, John W., Washington.

ENGLAND.

McCarter, Edw'd B. (7 New Square,
 Lincoln's Inn), London, E. C.

FLORIDA.

Adams, Charles S., Jacksonville.
 †Adams, Thomas B., Jacksonville, Fla.
 Anderson, Robert L., Ocala.
 Avery, John C., Pensacola.
 Axtell, Ezra P., Jacksonville.
 Baker, Robert A., Jacksonville.
 Baker, William H., Jacksonville.
 †Baya, Harry P., Tampa.
 Bedell, George C., Jacksonville.
 Bisbee, Horatio, Jacksonville.
 Blount, William A., Pensacola.
 Bostwick, William M., Jr., Jacksonville.
 †Brady, J. W., Bartow.
 Bryan, Nathan P., Jacksonville.
 Buckman, Henry H., Jacksonville.
 Burton, John W., Arcadia.
 †Butler, Fred W., Jacksonville.

†Campbell, Angus G., DeFuniak Springs.
 Carter, William A., Tampa.
 Cockrell, A. W., Jr., Jacksonville.
 Davis, Robert E., Gainesville.
 Dodge, John W., Jacksonville.
 Doggett, John L., Jacksonville.
 Doig, D. H., Jacksonville.
 Duval, Louis W., Ocala.
 †Fleming, Francis P., Jacksonville.
 Fletcher, Duncan U., Jacksonville.
 Frazier, J. W., Tampa.
 Gibbons, Cromwell, Jacksonville.
 †Gibbs, George C., Jacksonville.
 Gillespie, J. Hamilton, Sarasota.
 Glen, James F., Tampa.
 Gordon, Horace O., Tampa.
 Gunby, Edward R., Tampa.
 †Hampton, Hilton S., Tampa.
 Hampton, William Wade, Gainesville.
 Hartridge, John E., Jacksonville.
 †Hilburn, Samuel J., Palatka.
 Hodges, William C., Tallahassee.
 †Hudson, Frederick M., Miami.
 Hunter, William, Tampa.
 †Johnson, Andrew, Sanford.
 Kay, William E., Jacksonville.
 †Knight, Peter O., Tampa.
 †Locke, James W., Jacksonville.
 †L'Engle, E. J., Jacksonville.
 †Long, Augustus V., Starke.
 †Mabry, Giddings E., Tampa.
 †Martin, George C., Brooksville.
 Massey, Louis C., Orlando.
 †Maxwell, Evelyn C., Pensacola.
 McGarry, Thomas F., Jacksonville.
 McMullen, Donald C., Tampa.
 Odom, Patrick H., Jacksonville.
 †Olliphant, Horace K., Bartow.
 Philips, Henry B., Jacksonville.
 Price, William H., Marianna.
 Reynolds, John Chandler, Jacksonville.
 Rinehart, C. D., Jacksonville.
 Robbins, George M., Titusville.
 Simonton, F. M., Tampa.
 Sparkman, S. M., Tampa.
 Sullivan, J. J., Pensacola.
 †Taylor, H. H., Key West.
 Toomer, W. M., Jacksonville.
 †Vans Agnew, P. A., Kissimmee.
 †Wall, John P., Tampa.
 †Welch, E. C., Ocotondale.
 West, Thomas Franklin, Milton.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Wilson, Cephas L., Marianna.
†Wilson, Emmett, Pesacola.

FRANCE.

†Harper, Donald, Paris.

GEORGIA.

Ackerman, Alexander, Macon.
Adams, Samuel B., Savannah.
Arnold, Reuben R., Atlanta.
Bartlett, Charles L., Macon.
†Branch, Lee W., Quitman.
Brandon, Morris, Atlanta.
Callaway, Frank E., Atlanta.
Cann, J. Ferris, Savannah.
Charlton, Walter G., Savannah.
Clay, William Law, Savannah.
Crovatt, A. J., Brunswick.
Cumming, Joseph B., Augusta.
Cunningham, Henry C., Savannah.
Cunningham, T. M., Jr., Savannah.
Daley, A. F., Wrightsville.
†Davis, Archibald H., Atlanta.
Dean, Joel Edward, Rome.
Donalson, John E., Bainbridge.
Doyal, Paul Henderson, Rome.
†Fulwood, C. W., Tifton.
Gignilliat, William L., Savannah.
†Goetchius, Henry R., Columbus.
Gordon, William W., Jr., Savannah.
Hammond, Theodore A., Atlanta.
Hammond, William R., Atlanta.
Hawes, T. S., Bainbridge.
Hitch, Robert M., Savannah.
King, Alexander C., Atlanta.
Kontz, Ernest C., Atlanta.
Lamar, Joseph R. (Washington, D. C.),
Augusta.
Lane, Wilfred C., Valdosta.
†Lawson, H. F., Hawkinsville.
Lawton, Alexander R., Savannah.
Leaken, William R., Savannah.
†Luke, Roscoe, Thomasville.
Mackall, William W., Savannah.
Maddox, George Edward, Rome.
Meldrim, Peter W., Savannah.
Merrill, Jos. Hansell, Thomasville.
Miller, William K., Augusta.
Minis, Abram, Savannah.
McAlpin, Henry, Savannah.
McWhorter, Hamilton, Athens.
O'Byrne, M. A., Savannah.
Owens, George W., Savannah.

Park, Orville A., Macon.
Seabrook, Paul E. (Savannah), Pineora.
Smith, Alexander W., Sr., Atlanta.
Smith, Burton, Atlanta.
Smith, Victor Lamar, Atlanta.
Speer, Emory, Macon (Mt. Airy).
Strickland, John J., Athens.
Tye, John L., Atlanta.
Watkins, Edgar, Atlanta.
Wimbish, William A., Atlanta.
Wright, Barry, Rome.

HAWAII TERRITORY.

†Anderson, Robbins B., Honolulu.
†Case, Daniel H., Wailuku.
†Castle, Alfred L., Honolulu.
Castle, William R., Honolulu.
Dickey, Lyle A., Honolulu.
†Greenwell, W. A., Honolulu.
†Marx, Benj. L., Honolulu.
†Mott-Smith, Ernest A., Honolulu.
†Smith, Carl Schurz, Hilo.
Smith, William O., Honolulu.
†Thayer, Wade Warren, Honolulu.
†Watson, Edward M., Honolulu.
Withington, David L., Honolulu.

IDAHO.

Ailshie, James F., Boise.
Babb, James E., Lewiston.
Beale, Charles W., Wallace.
Blake, John J., Boise.
Borah, William E. (Washington, D. C.),
Boise.
†Bowen, Arthur M., Twin Falls.
†Butler, Fred E., Lewiston.
Cage, Milton G., Boise.
Cavanah, Charles C., Boise.
Cox, Eugene A., Lewiston.
Davidson, William B., Boise.
Dietrich, Frank S., Boise.
Haga, Oliver O., Boise.
Hawley, James H., Boise.
Hawley, Jess B., Boise City.
Hays, Samuel H., Boise.
Heyburn, Weldon B. (Washington,
D. C.), Wallace.
Johnson, Richard H., Boise.
Lyon, Luther M., Payette.
MacLane, John F., Boise.
Morrison, John T., Boise.
McDougall, D. C., Malad City.
Nugent, John F., Boise.

† Elected by Executive Committee between meetings, 1910-11.

Pence, Joseph T., Boise.
 Perky, Kirtland L., Boise.
 Richards, James H., Boise.
 Ruick, Norman M., Boise.
 Wood, Fremont, Boise.
 Woods, William W., Wallace.
 Wyman, Frank T., Boise.
 Wyman, Harry C., Boise.

ILLINOIS.

Abbey, Charles P., Chicago.
 Adams, Elmer H., Chicago.
 Alden, W. T., Chicago.
 Allen, Charles L., Chicago.
 Ayers, George D., Chicago.
 ApMadoc, W. Tudor, Chicago.
 Austrian, Alfred S., Chicago.
 Baldwin, Henry R., Chicago.
 Baldwin, Jesse A., Chicago.
 Bancroft, Edgar A., Chicago.
 †Bangs, Frederick A., Chicago.
 Barnes, Albert C., Chicago.
 Barnett, Otto R., Chicago.
 Bartley, Charles Earle, Chicago.
 Barton, George P., Chicago.
 Beach, Myron H., Chicago.
 Beale, William G., Chicago.
 Belt, William O., Chicago.
 Bentley, Cyrus, Chicago.
 Billings, Charles L., Chicago.
 Blake, Freeman K., Chicago.
 Boys, William H., Streator.
 Brown, Charles A., Chicago.
 Brown, Edward Osgood, Chicago.
 Brown, Paul, Chicago.
 Brown, Taylor E., Chicago.
 Brundage, Edward J., Chicago.
 Buckingham, George T., Chicago.
 Burnham, Telford, Chicago.
 Burroughs, Benjamin R., Edwardsville.
 Burry, William, Chicago.
 †Burt, Joseph Beatty, Chicago.
 Butler, Rush C., Chicago.
 Byrnes, Daniel, Chicago.
 Calhoun, William J., Chicago.
 Capen, Charles L., Bloomington.
 Carpenter, George A., Chicago.
 Carter, Henry W., Chicago.
 Carter, Orrin N., Chicago.
 Cary, Robert J., Chicago.
 Chancellor, Justus, Chicago.
 Chandler, Joseph H., Chicago.
 Cheever, Dwight B., Chicago.
 Chytraus, Axel, Chicago.
 Coffeen, M. Lester, Chicago.
 Cook, Wells M., Chicago.
 Costigan, George P., Jr., Chicago.
 Cowen, Israel, Chicago.
 Cox, Arthur M., Chicago.
 Curran, William R., Pekin.
 Custer, Jacob R., Chicago.
 Cutting, Charles S., Chicago.
 Daniels, Francis B., Chicago.
 David, Joseph B., Chicago.
 Davis, Brode B., Chicago.
 Dawes, Chester M., Chicago.
 Defrees, Joseph H., Chicago.
 Deneen, Charles S. (Springfield, Ill.),
 Chicago.
 Dent, Thomas, Chicago.
 Dickinson, J. M. (Washington, D. C.),
 Chicago.
 Dickinson, J. R., Chicago.
 Dillard, F. C., Chicago.
 Douglass, George L., Chicago.
 Dunlap, Robert, Chicago.
 Dynes, O. W., Chicago.
 Dyrenforth, Philip C., Chicago.
 Dyrenforth, William H., Chicago.
 Eastman, Albert N., Chicago.
 Eastman, Sidney C., Chicago.
 Eaton, Marquis, Chicago.
 Eberhardt, Max, Chicago.
 Eckhardt, Percy B., Chicago.
 †Elder, Charles B., Chicago.
 Elting, Victor, Chicago.
 English, Lee F., Chicago.
 Evans, Arthur F., Chicago.
 Evans, Lynden, Chicago.
 Fisher, Geo. P., Jr., Chicago.
 Follansbee, George A., Chicago.
 Freund, Ernst, Chicago.
 Frost, E. Allen, Chicago.
 Fullerton, William D., Ottawa.
 Furness, William Eliot, Chicago.
 Gardner, C. P., Chicago.
 Gartside, John M., Chicago.
 Gibbons, John, Chicago.
 Greeley, Louis M., Chicago.
 Green, Frederick, Urbana.
 Greenacre, Isaiah T., Chicago.
 Gregory, Stephen S., Chicago.
 Gresham, Otto, Chicago.
 Gridley, Martin M., Chicago.
 Grosscup, Peter S., Chicago.
 Hagan, Henry M., Chicago.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Hall, James Parker, Chicago.
 ‡Hamill, Charles H., Chicago.
 Hamlin, Frank, Chicago.
 Harding, Charles F., Chicago.
 Harker, Oliver A., Champaign.
 Healy, John J., Chicago.
 Hebard, Frederic S., Chicago.
 Herrick, John J., Chicago.
 Hicks, James L., Monticello.
 Hill, John W., Chicago.
 Hill, Lysander, Chicago.
 Holdom, Jesse, Chicago.
 Humburg, Andrew P., Chicago.
 Hunter, William R., Kankakee.
 Hurd, Harry B., Chicago.
 Hutchins, James C., Chicago.
 Hyde, Charles C., Chicago.
 Hyde, James W., Chicago.
 Hyzer, E. M., Chicago.
 Irwin, Clinton F., Elgin.
 Ives, Morse, Chicago.
 †Jennings, Everett, Chicago.
 †Jochem, George J., Peoria.
 Judah, Noble B., Chicago.
 Junkin, Francis T. A., Chicago.
 Kales, Albert M., Chicago.
 Karcher, George H., Chicago.
 Kavanagh, Marcus A., Chicago.
 Kelly, George Thomas, Chicago.
 Kenyon, William S. (Washington, D. C.),
 Chicago.
 Kerr, Robert J., Chicago.
 Kies, William S., Chicago.
 Kramer, Edward C., East St. Louis.
 †Kriete, Frank L., Chicago.
 †Kriete, George H., Chicago.
 Kretsinger, George W., Chicago.
 Lackner, Francis, Chicago.
 Lane, Wallace R., Chicago.
 Lathrop, Gardiner, Chicago.
 Lawrence, George A., Galesburg.
 Lee, Blewett, Chicago.
 Lee, Edward T., Chicago.
 Levinson, Salmon O., Chicago.
 Lewis, J. Hamilton, Chicago.
 Linthicum, Charles C., Chicago.
 Loesch, Frank J., Chicago.
 Lord, Frank E., Chicago.
 Lowden, Frank O., Oregon.
 Lyford, Will H., Chicago.
 MacChesney, Nathan William, Chicago.
 Mack, Julian W., Chicago.

†Mahony, Charles L., Chicago.
 ‡Manierre, George W., Chicago.
 Marston, Thomas B., Chicago.
 Martin, Horace H., Chicago.
 Marx, Frederick Z., Chicago.
 Matheny, James H., Springfield.
 Matz, Rudolph, Chicago.
 Mayer, Levy, Chicago.
 Mecartney, Harry S., Chicago.
 Mechem, Floyd R., Chicago.
 Merrick, George Peck, Chicago.
 Miles, Charles, Peoria.
 Miller, John S., Chicago.
 Montgomery, John R., Chicago.
 More, Clair E., Chicago.
 Morrill, Donald L., Chicago.
 Musgrave, Harrison, Chicago.
 McArdle, P. L., Chicago.
 McCordic, Alfred E., Chicago.
 McCormick, Robert H., Jr., Chicago.
 McCulloch, Frank H., Chicago.
 McElroy, John H., Chicago.
 McEwen, Willard M., Chicago.
 McGoorty, John P., Chicago.
 McSurely, William H., Chicago.
 Newman, Jacob, Chicago.
 Niblack, William C., Chicago.
 Norton, T. J., Chicago.
 O'Connor, Charles J., Chicago.
 O'Donnell, Joseph A., Chicago.
 Offield, Charles K., Chicago.
 Ogden, Howard N., Chicago.
 O'Harra, Apollos W., Carthage.
 Packard, George, Chicago.
 Paden, Joseph E., Chicago.
 †Page, Cecil, Chicago.
 Page, George T., Peoria.
 Parker, Francis W., Chicago.
 Parker, Lewis W., Chicago.
 Parkinson, Robert H., Chicago.
 Payne, John Barton, Chicago.
 Peabody, Augustus S., Chicago.
 Peaks, George H., Chicago.
 Peck, George R., Chicago.
 Peek, Burton F., Moline.
 Peirce, Edward B., Chicago.
 Peterson, James A., Chicago.
 Pinckney, Merritt W., Chicago.
 Pingrey, Darius H., Bloomington.
 †Pollack, Sidney S., Chicago.
 Poppenhusen, Conrad H., Chicago.
 Post, Philip S., Chicago.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Prussing, Eugene E., Chicago.
 Rector, Edward, Chicago.
 Reed, Frank F., Chicago.
 Richards, John T., Chicago.
 Richberg, Donald R., Chicago.
 Richberg, John C., Chicago.
 Rider, George C., Pekin.
 Rinaker, John I., Carlinville.
 Robbins, Henry S., Chicago.
 Rogers, Edward S., Chicago.
 Rogers, George Mills, Chicago.
 Rosenthal, Lessing, Chicago.
 Rothman, William, Chicago.
 Rubens, Harry, Chicago.
 Rummler, William R., Chicago.
 Runnells, John S., Chicago.
 Ryon, Oscar B., Streator.
 Sauter, L. E., Chicago.
 Schofield, Henry, Chicago.
 Scott, Frank H., Chicago.
 Scott, James Brown (Washington, D. C.).
 Champaign.
 Sears, Nathaniel C., Chicago.
 Shecan, James M., Chicago.
 Shepard, Stuart G., Chicago.
 Sheriff, Andrew R., Chicago.
 Shope, Simeon P., Chicago.
 Sidley, William P., Chicago.
 Silber, Frederick D., Chicago.
 Sims, Edwin W., Chicago.
 Sivley, Clarence L., Chicago.
 Smith, Frederick A., Chicago.
 Smith, Pliny B., Chicago.
 Starr, Merritt, Chicago.
 Stephens, Redmond D., Chicago.
 Stevens, John S., Peoria.
 Stewart, Robert W., Chicago.
 Stillman, Herman W., Chicago.
 Strawn, Silas H., Chicago.
 Taylor, Thomas, Jr., Chicago.
 Tenney, Horace Kent, Chicago.
 Thomas, Morris St. Palais, Chicago.
 Thomason, Frank D., Chicago.
 Thornton, Charles S., Chicago.
 Tolman, Edgar B., Chicago.
 Towle, Henry S., Chicago.
 Troup, Charles, Danville.
 Ullmann, Frederic, Chicago.
 Underwood, Arthur W., Chicago.
 Urion, Alfred R., Chicago.
 Veeder, Henry, Chicago.
 Voigt, John F., Jr., Chicago.
 Vroman, Charles E., Chicago.

Wall, George W., Du Quoin.
 Walsh, Vincent J., Chicago.
 Walter, Luther M., Chicago.
 Washburn, William D., Chicago.
 Wells, Hosea W., Chicago.
 West, Roy O., Chicago.
 Wheeler, Arthur Dana, Chicago.
 Wheelock, William W., Chicago.
 Whitman, Russell, Chicago.
 Whittier, Clarke B., Chicago.
 Wigmore, John H., Chicago.
 Wilkerson, James H., Chicago.
 Williams, E. P., Galesburg.
 Windes, Thomas G., Chicago.
 †Worthington, Thomas, Jacksonville.
 Zane, John M., Chicago.
 Zeisler, Sigmund, Chicago.

INDIANA.

Adams, Andrew Addison, Indianapolis.
 Baker, Charles S., Columbus.
 Barrett, James M., Fort Wayne.
 Bartholomew, Pliny W., Indianapolis.
 †Batchelor, George H., Indianapolis.
 Bingham, James, Indianapolis.
 Blair, Jesse H., Indianapolis.
 Boice, Augustin, Indianapolis.
 Bomberger, Loudon L., Hammond.
 Brady, Arthur W., Anderson.
 Breen, William P., Fort Wayne.
 Butler, Noble C., Indianapolis.
 Chipman, Marcellus A., Anderson.
 Clapham, William E., Columbia City.
 Cook, Samuel E., Huntington.
 Cunningham, George A., Evansville.
 Daniels, Edward, Indianapolis.
 Davis, Sydney B., Terre Haute.
 Dye, John T., Indianapolis.
 Elliott, William F., Indianapolis.
 Evans, Rowland, Indianapolis.
 Fairbanks, Charles W., Indianapolis.
 Fesler, James William, Indianapolis.
 Fraser, Daniel, Fowler.
 Frey, Philip W., Evansville.
 Funkhouser, Arthur F., Evansville.
 Gould, John H., Delphi.
 Hammond, Edwin P., Lafayette.
 Hanan, John W., La Grange.
 Hawkins, Roscoe O., Indianapolis.
 Haymond, William T., Muncie.
 Haywood, George P., Lafayette.
 Heaton, Owen N., Fort Wayne.

† Elected by Association at annual meeting, 1911.

Hepburn, Charles M. (New York, N. Y.),
Bloomington.

Hogate, Enoch G., Bloomington.

Holman, George Wilson, Rochester.

Ingler, Francis M., Indianapolis.

Jameson, Ovid B., Indianapolis.

Jewett, Charles L., New Albany.

Joss, Frederick A., Indianapolis.

Kane, Ralph K., Noblesville.

Kelley, William H., Richmond.

Kern, John W., Indianapolis.

Ketcham, William A., Indianapolis.

†Kiplinger, John H., Rushville.

Lockwood, Virgil H., Indianapolis.

Martindale, Charles, Indianapolis.

Miller, Charles W., Indianapolis.

Montgomery, Oscar H., Seymour.

Moore, Charles W., Indianapolis.

Moore, Merrill, Indianapolis.

Morris, John, Fort Wayne.

Myers, Quincy A., Logansport.

Newberger, Louis, Indianapolis.

Niezer, Charles M., Fort Wayne.

Noel, James W., Indianapolis.

Palmer, Truman F., Monticello.

Pickens, Samuel O., Indianapolis.

Pickens, William A., Indianapolis.

Roby, Frank S., Indianapolis.

Rupe, John L., Richmond.

Sayler, Samuel M., Huntington.

Sellers, Emory B., Monticello.

Sheridan, Harry C., Frankfort.

Simms, Dan W., Lafayette.

Smith, Charles W., Indianapolis.

Snyder, Charles M., Fowler.

Spencer, Charles C., Monticello.

Stevenson, Elmer E., Indianapolis.

Stuart, William V., Lafayette.

Taylor, R. S., Fort Wayne.

Tuthill, Harry B., Michigan City.

Vesey, Allen J., Fort Wayne.

Widaman, John D., Warsaw.

Williams, John G., Indianapolis.

Wood, Sol A., Fort Wayne.

Wurzer, F. Henry, South Bend.

IOWA.

Anderson, Milton H., Hancock.

†Bailey, Marsh W., Washington.

Baldwin, W. W., Burlington.

Bollinger, James Wills, Davenport.

Bonson, Robert, Dubuque.

Brennan, Robert, Des Moines.

†Brockett, Orlando Mitchell, Des Moines.

Canaday, Walter, Marshalltown.

Carr, E. M., Manchester.

†Cavanagh, B. J., Des Moines.

Cliggett, John, Mason City.

Craig, John E., Keokuk.

Crosby, James O., Garnavillo.

Cummins, Albert B. (U. S. Senate),
Des Moines.

Dale, Horatio F., Des Moines.

Davis, James C., Des Moines.

Deery, John, Dubuque.

Denison, John D., Jr., Dubuque.

Devitt, John F., Muscatine.

Dudley, Charles A., Des Moines.

†Dutcher, Charles M., Iowa City.

Evans, Edward B., Des Moines.

Flickinger, Isaac N., Council Bluffs.

Flynn, Leo J., Dubuque.

Frantzen, John P., Dubuque.

Fuller, E. Dean (Mexico City, Mexico),
Des Moines.

Guernsey, Nathaniel T., Des Moines.

Harvison, William G., Des Moines.

Henry, George F., Des Moines.

Hise, George E., Des Moines.

Holsman, Henry B., Guthrie Center.

Kingland, Thomas A., Lake Mills.

Lec, Chaucer G., Ames.

Lenahan, Daniel J., Dubuque.

Matthews, Matthew C., Dubuque.

Miller, Jesse A., Des Moines.

Moffit, John T., Tipton.

Moore, William F., Guthrie Center.

Murphy, Daniel D., Elkader.

McClain, Emlin, Iowa City.

McConlogue, James H., Mason City.

†McLaughlin, A. A., Des Moines.

McPherson, Smith, Redoak.

Norris, William H., Manchester.

Orwig, Ralph, Des Moines.

†Otto, Ralph, Iowa City.

Read, William L., Des Moines.

Reed, Carl W., Cresco.

Reed, H. T., Cresco.

Roberts, William J., Keokuk.

Rockafellow, J. B., Atlantic.

Sawyer, Hazen I., Keokuk.

Sherwin, John C., Mason City.

Shiras, Oliver P., Dubuque.

Stillman, Walter S. (Omaha, Neb.),
Council Bluffs.

Strauss, Oscar, Des Moines.

† Elected by Executive Committee between meetings, 1910-11.

Swetting, Ernest V., Algona.
 Thorne, Clifford, Des Moines.
 Wade, M. J., Iowa City.
 †Walker, Henry G., Iowa City.
 Wallingford, John D., Des Moines.
 Walsh, Mark A., Clinton.
 Weaver, James B., Jr., Des Moines.
 Whitmore, Chester W., Ottumwa.
 Wilcox, Elmer A., Iowa City.
 Wright, Carroll, Des Moines.

KANSAS.

†Alden, Maurice L., Kansas City.
 Allen, Stephen H., Topeka.
 Benton, C. E., Fort Scott.
 †Bond, Thomas L., Salina.
 †Bowman, Noah L., Garnett.
 †Brooks, C. H., Wichita.
 Brown, W. W., Parsons.
 †Burdick, William Livesey, Lawrence.
 †Campbell, Altes H., Iola.
 Campbell, J. J., Pittsburg.
 †Carpenter, W. H., Marlon.
 Clark, Elmer C., Oswego.
 Crain, John H., Fort Scott.
 †Curran, John P., Pittsburg.
 Doster, Frank, Topeka.
 †Evans, Earl W., Wichita.
 Fitzpatrick, W. S., Independence.
 Fitzwilliam, F. P., Leavenworth.
 Gaitskill, Bennett S., Girard.
 †Gates, Edward C., Fort Scott.
 Gleed, James Willis, Topeka.
 Green, J. W., Lawrence.
 †Harvey, A. M., Topeka.
 Hawkes, S. N., Stockton.
 Higgins, William E., Lawrence.
 Hill, Henry C., Lawrence.
 Holt, William G., Kansas City.
 †Houston, J. D., Wichita.
 †Hudson, T. J., Fredonia.
 Hutchison, William Easton, Garden City.
 †Jones, Howell, Topeka.
 Jones, John J., Chanute.
 †Kagey, C. L., Beloit.
 Keene, A. M., Fort Scott.
 †Kimble, Samuel, Manhattan.
 Larimer, Jeremiah B., Topeka.
 †Madison, E. H., Dodge City.
 †Martin, F. L., Hutchinson.
 Moore, J. McCabe, Kansas City.
 Mulvane, David W., Topeka.

McClintock, W. S., Topeka.
 Orr, James W., Atchison.
 Osborn, Edward D., Topeka.
 †Oyler, F. J., Iola.
 Pollock, John C., Kansas City.
 Porter, Silas, Topeka.
 Pulsifer, Park B., Concordia.
 †Sapp, Edward E., Salina.
 Scandrett, Henry A., Topeka.
 Slonecker, J. G., Topeka.
 Smith, Charles Blood, Topeka.
 Smith, Charles W., Stockton.
 †Switzer, John F., Topeka.
 Waggener, Balie P., Atchison.
 Waggener, William P., Atchison.
 †Wagstaff, Thos. E., Independence.
 Walker, Paul E., Topeka.
 †Wilder, L. H., Norton.

KENTUCKY.

Allen, John R., Lexington.
 Allen, Lafon, Louisville.
 Anderson, Thornwell G., Middlesboro.
 Apperson, Lewis, Mt. Sterling.
 Ayres, William, Pineville.
 Baskin, John B., Louisville.
 Berry, W. Alvin, Paducah.
 Bingham, Robert W., Louisville.
 †Booth, Percy N., Louisville.
 Brandeis, Albert S., Louisville.
 Breathitt, James, Frankfort.
 Brown, Eli Huston, Jr., Frankfort.
 Bruce, Helm, Louisville.
 Bullitt, William Marshall, Louisville.
 Calhoun, C. C. (Washington, D. C.),
 Lexington.
 Calvert, Cleon K., Hyden.
 Cochran, Andrew M. J., Maysville.
 Cox, Attila, Jr., Louisville.
 †Cox, William J., Madisonville.
 †Crawford, William W., Louisville.
 †Crewdson, S. R., Russellville.
 Davis, William T., Pineville.
 Doolan, John C., Louisville.
 DuRelle, George, Louisville.
 †Eaton, William V., Paducah.
 Fairleigh, James Franklin, Louisville.
 Flexner, Bernard, Louisville.
 Gordon, Maurice Kirby, Madisonville.
 Grubbs, Charles S., Louisville.
 Harris, W. O., Louisville.
 Heatt, Clarence C., Louisville.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Hines, Edward W., Louisville.
 Hopkins, Arthur E., Louisville.
 Hughes, D. H., Paducah.
 †Hunt, N. B., Dixon.
 Jeffries, James H., Pineville.
 †Jonson, Jerrold A., Madisonville.
 Kohn, Aaron, Louisville.
 Lewis, William, London.
 Macpherson, Ernest, Louisville.
 Metcalf, Charles W., Pineville.
 Mocquot, James Denis, Paducah.
 McDermott, Edward J., Louisville.
 McDonald, Edward L., Louisville.
 Patterson, Newton Reid, Pineville.
 †Pirtle, James S., Louisville.
 Quarles, James, Louisville.
 Ray, Charles T., Louisville.
 Reed, William M., Paducah.
 Robbins, Josephus Ewing, Mayfield.
 Rouse, Shelley D., Covington.
 Selligman, Alfred, Louisville.
 Settle, Warner Ellmore, Bowling Green.
 Sims, James Caswell, Bowling Green.
 Stoll, Richard C., Lexington.
 Stone, Henry L., Louisville.
 Thomas, Gus., Mayfield.
 Thornton, Robert A., Lexington.
 Throckmorton, Archibald Hall, Danville.
 Thum, William Warwick, Louisville.
 Tomlin, John G., Walton.
 Trabue, Edmund F., Louisville.
 †Waddill, C. J., Madisonville.
 Wheeler, Charles K., Paducah.
 Yeaman, James M., Henderson.

LOUISIANA.

Adams, St. Clair, New Orleans.
 Alexander, Taliaferro, Shreveport.
 Barret, Thomas C., Shreveport.
 Beattie, Taylor, Thibodaux.
 Bell, T. F., Shreveport.
 †Blair, Jos. Paxton, New Orleans.
 Boarman, Aleck, Shreveport.
 Boatner, Mark M., New Orleans.
 Breaux, Joseph A., New Orleans.
 Brice, Albert G., New Orleans.
 Broussard, Robert F., New Iberia.
 Browne, E. Wales, Shreveport.
 Bruenn, Bernard, New Orleans.
 Brunot, H. F., Baton Rouge.
 Buck, Charles Francis, New Orleans.
 Cahn, Edgar M., New Orleans.
 Carmouche, W. J., Crowley.

Carroll, Charles, New Orleans.
 Carroll, Joseph Wheadon, New Orleans.
 Carter, Henry J., New Orleans.
 Carver, M. H., Natchitoches.
 Chaffe, David B. H., New Orleans.
 Chretien, Frank D., New Orleans.
 Cline, J. D., Lake Charles.
 Coco, Adolph Valery, Marksville.
 Dart, Henry P., New Orleans.
 Dart, Henry P., Jr., New Orleans.
 Davey, John C., Jr., New Orleans.
 †Daziger, Alfred David, New Orleans.
 Denègre, George, New Orleans.
 Denègre, Walter D., New Orleans.
 Dinkelspiel, Max, New Orleans.
 Dubuisson, E. B., Opelousas.
 Duchamp, Charles A., New Orleans.
 Dufour, H. Generes, New Orleans.
 Dufour, Horace L., New Orleans.
 Dufour, William C., New Orleans.
 †Dupre, Gilbert L., Jr., New Orleans.
 Dupre, H. Garland, New Orleans.
 †Dymond, John, Jr., New Orleans.
 Edwards, B. P., Saline.
 Ellis, S. D., Amite City.
 Ellis, Thomas C. W., New Orleans.
 Estopinal, Albert, Jr., St. Bernard.
 Farrar, Edgar H., New Orleans.
 Fenner, Charles Payne, New Orleans.
 Florance, Ernest T., New Orleans.
 Flynn, Thomas D., New Orleans.
 Forman, Benjamin Rice, New Orleans.
 Foster, Rufus E., New Orleans.
 †Friedricks, Carl C., New Orleans.
 †Furlow, Thomas E., New Orleans.
 Gleason, W. L., New Orleans.
 Godchaux, Emile, New Orleans.
 †Goldberg, Abraham, New Orleans.
 Goldsborough, R. F., New Orleans.
 †Hart, Frank Wm., New Orleans.
 Hart, W. O., New Orleans.
 †Hebert, Clarence Samuel, New Orleans.
 Henriques, E. F., New Orleans.
 †Henriques, James C., New Orleans.
 Herold, S. L., Shreveport.
 Hudson, E. M., New Orleans.
 Hughes, William L., New Orleans.
 Hunt, Carleton, New Orleans.
 Kemp, Bolivar E., Amite.
 King, Frederick D., New Orleans.
 Land, Alfred D., New Orleans.
 Lawrason, Samuel McC., St. Francisville.
 Leake, Hunter C., New Orleans.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Leake, William Walter, St. Francisville.
 Legendre, James, New Orleans.
 †Lemann, Monte M., New Orleans.
 Lemle, Gustave, New Orleans.
 †Lewis, Walter Stanford, New Orleans.
 †Marrero, L. H., Jr., New Orleans.
 Merrick, Edwin T., New Orleans.
 Miller, John D., New Orleans.
 †Miller, T. M., New Orleans.
 Milling, R. E., New Orleans.
 Milner, Purnell M., New Orleans.
 Monroe, J. Blanc, New Orleans.
 †Montgomery, Samuel A., New Orleans.
 Mooney, Henry, New Orleans.
 Moore, I. D., New Orleans.
 McCloskey, Bernard, New Orleans.
 McConnell, James, New Orleans.
 McGuirk, Arthur, New Orleans.
 O'Donnell, Lawrence, New Orleans.
 O'Neill, Charles A., Franklin.
 †O'Sullivan, E. A., New Orleans.
 Overton, Winston, Lake Charles.
 †Parker, Porter, New Orleans.
 Parkerson, William Stirling, New Orleans.
 Parsons, Edward A., New Orleans.
 Perkins, Robert J., New Orleans.
 Peters, Arthur John, New Orleans.
 Pugh, John C., Shreveport.
 Pujo, Arsene P., Lake Charles.
 Quintero, Lamar C., New Orleans.
 †Rainold, Frank E., New Orleans.
 Randolph, Edward H., Shreveport.
 Romain, Armand, New Orleans.
 †Rosen, Charles, New Orleans.
 Rosser, J. B., Jr., New Orleans.
 Rouse, John D., New Orleans.
 St. Paul, John, New Orleans.
 Saunders, Eugene D., New Orleans.
 †Saxon, Lyle, New Orleans.
 Skinner, Edward F., New Orleans.
 Somnerville, W. B., New Orleans.
 †Soule, Frank, New Orleans.
 Spearing, J. Zach., New Orleans.
 †Stafford, Ethelred M., New Orleans.
 Story, Hampden, Crowley.
 Stubbs, Frank P., Jr., Monroe.
 Terribery, George Hutchins, New Orleans.
 Theard, Charles J., New Orleans.
 Theard, George Henry, New Orleans.
 Thilborger, Edward J., New Orleans.
 Thornton, J. R., Alexandria.

†Titcher, Bernard, New Orleans.
 Tobin, John F., New Orleans.
 †Tullis, Robert L., Baton Rouge.
 Waguespack, W. J., New Orleans.
 Waldo, Benjamin T., New Orleans.
 Waldo, John F. C., New Orleans.
 Wall, Isaac D., Baton Rouge.
 Wall, William Winans, New Orleans.
 Walton, J. F., New Orleans.
 Walshe, George C., New Orleans.
 White, H. H., Alexandria.
 Williamson, W. B., Lake Charles.
 Wolff, Solomon, New Orleans.
 Zuntz, James E., New Orleans.

MAINE.

Allen, Fred J., Sanford.
 Anthoine, William R., Portland.
 Appleton, Frederick H., Bangor.
 Bassett, Norman L., Augusta.
 Bird, George E., Portland.
 Blanchard, Cyrus N., Wilton.
 Bradbury, James O., Saco.
 Bradley, William M., Portland.
 Briggs, Charles G., Portland.
 Burleigh, Lewis A., Augusta.
 Butler Frank W., Farmington.
 Chapman, Wilford G., Portland.
 Clark, Hugo, Bangor.
 Cleaves, Henry B., Portland.
 Cook, Charles Sumner, Portland.
 Cornish, Leslie C., Augusta.
 Deasy, Luere B., Bar Harbor.
 Deering, Henry, Portland.
 Donworth, Clement B., Machias.
 Drummond, Josiah H., Portland.
 Dunton, Robert F., Belfast.
 Dyer, Isaac W., Portland.
 Eastman, Chase, Portland.
 Emery, Lucilius A., Ellsworth.
 Fletcher, Bertram L., Bangor.
 Fox, James C., Portland.
 Freeman, Eben Winthrop, Portland.
 Gillin, P. H., Bangor.
 Goodwin, Forrest, Skowhegan.
 Hale, Clarence, Portland.
 Hale, Frederick, Portland.
 Haley, George F., Biddeford.
 Hamlin, Charles, Bangor.
 Hamlin, Hannibal E., Ellsworth.
 Haskell, Frank H., Portland.
 Heath, Herbert M., Augusta.
 Heselton, George W., Gardiner.

† Elected by Executive Committee between meetings, 1910-11.

Higgins, Frank M., Limerick.
 Hobbs, Fred A., South Berwick.
 Holman, C. Vey (Boston, Mass.), Bangor.
 Holway, Melvin Smith, Augusta.
 Hussey, Charles Walter, Waterville.
 Hutchinson, Charles L., Portland.
 Ingraham, William M., Portland.
 Ives, Howard R., Portland.
 Johnson, Charles F., Waterville.
 Jones, Freeland, Bangor.
 King, Arno W., Ellsworth.
 Knowlton, William J., Portland.
 Laughlin, Matthew, Bangor.
 Libby, Charles F., Portland.
 Lumbert, Wallace R., Caribou.
 Lynch, Thomas J., Augusta.
 Madigan, John B., Houlton.
 Manser, Harry, Auburn.
 Mason, John Rogers, Bangor.
 Matthews, Fred V., Portland.
 Matthews, William S., Berwick.
 Meaher, Dennis A., Portland.
 Mitchell, Henry L., Bangor.
 Moore, Joseph E., Thomaston.
 Morrill, John A., Auburn.
 McQuillan, George F., Portland.
 Newell, William H., Lewiston.
 Noyes, George F., Portland.
 Parkhurst, Frederic H., Bangor.
 †Pattangall, W. R., Waterville.
 Payson, Franklin C., Portland.
 Peabody, Clarence W., Portland.
 Peaks, Joseph B., Dover.
 Perry, Stephen C., Portland.
 Peters, John A., Ellsworth.
 Philbrook, Warren C., Waterville.
 †Potter, Barrett, Brunswick.
 Powers, Frederick A., Houlton.
 Robinson, Frank W., Portland.
 Ryder, Erastus C., Bangor.
 Savage, Albert R., Auburn.
 Sawyer, Clarence E., Portland.
 Sewall, Harold M., Bath.
 Skelton, William B., Lewiston.
 Small, Frank J., Old Town.
 Smith, Bertram L., Patten.
 Snow, David W., Portland.
 Swasey, John P (Washington, D. C.),
 Canton.
 Symonds, Joseph W., Portland.
 Thompson, Benjamin, Portland.
 Tompson, Edward F., Portland.
 Tripp, William M., Wells.

Trott, Joseph M., Bath.
 Vernon, Irving E., Portland.
 Verrill, Harry M., Portland.
 Virgin, Harry Rush, Portland.
 Ward, Benjamin G., Portland.
 Webber, George Curtis, Auburn.
 White, Wallace H., Lewiston.
 Whitehouse, William P., Augusta.
 Wilson, F. A., Bangor.
 Wilson, Virgil C., Portland.
 Wing, George Curtis, Auburn.
 Woodman, Albert S., Portland.
 Woodman, Edward, Portland.

MARYLAND.

Adkins, William H., Easton.
 †Armstrong, C. M., Baltimore.
 Ash, David, Baltimore.
 †Baetjer, Edwin G., Baltimore.
 †Baetjer, Harry N., Baltimore.
 †Baldwin, Charles G., Baltimore.
 Barroll, Hope H., Chestertown.
 †Bartlett, J. Kemp, Baltimore.
 †Barton, Randolph, Baltimore.
 Bernard, Richard, Baltimore.
 Bonaparte, Charles J., Baltimore.
 †Bond, Carroll T., Baltimore.
 Bowers, James W., Jr., Baltimore.
 Boyd, A. Hunter, Cumberland.
 †Brady, George Moore, Baltimore.
 Brantly, William T., Baltimore.
 Briscoe, John P., Prince Frederick.
 Burger, Louis J., Baltimore.
 †Calwell, James S., Baltimore.
 Carey, Francis K., Baltimore.
 †Chesnut, W. Calvin, Baltimore.
 †Coady, Charles P., Baltimore.
 †Crain, Robert, Baltimore.
 †Cross, William Irvine, Baltimore.
 Dawkins, Walter I., Baltimore.
 Dawson, William H., Baltimore.
 Deming, John B., Baltimore.
 Dennis, James U., Baltimore.
 Devecmon, William C., Cumberland.
 Donnelly, Edward A., Baltimore.
 Doub, Albert A., Cumberland.
 †Duvall, Richard Mareen, Baltimore.
 Fink, Charles E., Westminster.
 †Fisher, D. K. Este, Baltimore.
 †France, Jacob, Baltimore.
 †France, Joseph C., Baltimore.
 †Frank, Eli, Baltimore.
 Gans, Edgar H., Baltimore.

† Elected by Executive Committee between meetings, 1910-11.

Goldsborough, T. Alan, Denton.
 Gregg, Maurice, Baltimore.
 Harlan, Henry D., Baltimore.
 Harley, Charles F., Baltimore.
 Hayes, Thomas G., Baltimore.
 Henderson, Robert R., Cumberland.
 Heusler, Charles W., Baltimore.
 Hill, John Philip, Baltimore.
 Hinkley, John, Baltimore.
 Hisky, Thomas Foley, Baltimore.
 †Homer, Francis T., Baltimore.
 Howard, Charles Morris, Baltimore.
 †Howard, Charles McH., Baltimore.
 †Hubner, Henry H., Baltimore.
 Hughes, Thomas, Baltimore.
 †Keech, E. Parkin, Jr., Baltimore.
 Kemp, W. Thomas, Baltimore.
 Leakin, J. Wilson, Baltimore.
 Lee, Blair (Washington, D. C.), Silver Spring.
 Mackenzie, Thomas, Baltimore.
 Marbury, William L., Baltimore.
 Marshall, R. E. Lee, Baltimore.
 †Melvin, Ridgely P., Annapolis.
 Miles, Joshua W., Princess Anne.
 †Miller, John G., Cumberland.
 Morris, Thomas J., Baltimore.
 †Moses, Jacob M., Baltimore.
 Mullin, Michael A., Baltimore.
 †Munroe, James M., Annapolis.
 Niles, Alfred S., Baltimore.
 †O'Brien, William J., Jr., Baltimore.
 †O'Dunne, Eugene, Baltimore.
 Offutt, Thiemann Scott, Towson.
 †Pearce, James A., Chestertown.
 Pratt, James R., Baltimore.
 Purnell, Clayton, Frostburg.
 †Rich, Edward N., Baltimore.
 Richmond, Benjamin A., Cumberland.
 Ritchie, Albert C., Baltimore.
 †Robinson, Thomas H., Bel Air.
 †Rose, John C., Baltimore.
 †Sappington, Augustine DeR., Baltimore.
 †Sappington, G. Ridgely, Baltimore.
 †Slingluff, R. Lee, Baltimore.
 Smith, Robert H., Baltimore.
 †Spamer, C. Augustus E., Baltimore.
 Steuart, Arthur, Baltimore.
 Stockbridge, Henry, Baltimore.
 Surratt, William H., Baltimore.
 †Taylor, Archibald H., Baltimore.
 Thomas, J. Hanson, Baltimore.

Tippet, Richard B., Baltimore.
 Turner, Frank G., Baltimore.
 †Urner, Hammond, Frederick.
 Walsh, William E., Cumberland.
 Walter, Moses R., Baltimore.
 Warfield, Edwin, Baltimore.
 †Waters, Henry J., Princess Anne.
 Waters, J. S. T., Baltimore.
 †Wattenscheidt, Christopher R., Baltimore.
 Whitelock, George, Baltimore.
 Wickes, Lewin W., Chestertown.
 †Williams, Ferdinand, Cumberland.
 Williams, Henry W., Baltimore.
 Williams, Stevenson A., Bel Air.
 †Willis, George R., Baltimore.
 Wilmer, L. Allison, La Plata.
 Wolff, Oscar, Baltimore.

MASSACHUSETTS.

†Abbot, Edwin H., Jr., Boston.
 †Abbot, Edwin Hale, Boston.
 Abele, George W., Boston.
 †Adams, Edward B., Boston.
 Adams, Walter, So. Framingham.
 †Albers, Homer, Boston.
 †Aldrich, Charles F., Worcester.
 †Allen, Charles E., Boston.
 Allen, F. Sturges (New York, N. Y.), Springfield.
 Anderson, Elbridge R., Boston.
 Anderson, George W., Boston.
 Appleton, John H., Boston.
 Atherton, Percy A., Boston.
 †Ayers, Walter, Brookline.
 †Aylward, James F., Boston.
 †Badger, Walter I., Boston.
 Bailey, Hollis R., Boston.
 †Baker, Harvey H., Boston.
 †Ballantine, Arthur A., Boston.
 †Bancroft, Hugh, Boston.
 Barnes, Charles B., Jr., Boston.
 †Barnes, Jonathan, Springfield.
 †Barney, Charles Neal, Lynn.
 †Bartlett, Charles M., Boston.
 †Bartlett, Ralph Sylvester, Boston.
 †Bassett, J. Colby, Boston.
 †Bates, John Lewis, Boston.
 Beale, Joseph Henry, Jr., Cambridge.
 Bell, Charles U., Andover.
 Bennett, Samuel C., Boston.
 †Berenson, Arthur, Boston.
 †Bigelow, Albert F., Boston.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

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|---|------------------------------------|
| †Bigelow, Cleveland, Boston. | Crocker, George G., Boston. |
| †Bigelow, William Reed, Boston. | †Crosby, J. Porter, Boston. |
| †Bingham, Norman W., Jr., Boston. | Crosby, John C., Pittsfield. |
| †Bishop, Elias B., Boston. | †Cummings, Charles R., Fall River. |
| Blackmur, Paul R., Boston. | Cunningham, Frederic, Boston. |
| Blodgett, Edward E., Boston. | Cunningham, Henry V., Boston. |
| †Blood, Charles H., Fitchburg. | †Currier, Guy W., Boston. |
| †Bolster, Percy G., Boston. | ‡Cushing, Livingstone, Boston. |
| Bond, Lawrence, Boston. | †Daly, Augustine J., Boston. |
| †Bosworth, Charles Wilder, Springfield. | †Darling, Charles K., Boston. |
| †Braley, Henry K., Boston. | †Davenport, Charles M., Boston. |
| Brandeis, Louis D., Boston. | †Davis, Harold S., Boston. |
| Brannan, Joseph Doddridge, Cambridge. | †Davis, Harrison M., Boston. |
| Brayton, Israel, Fall River. | †Dean, Josiah S., Boston. |
| †Bremer, Clifton L., Boston. | †DeCoursey, Charles A., Boston. |
| Brewer, Daniel Chauncey, Boston. | Dennison, Joseph A., Boston. |
| †Brown, Fred W., Boston. | †Dexter, Jos. P., So. Farmington. |
| ‡Bruce, Charles M., Boston. | Dickinson, Marquis F., Boston. |
| †Buffum, Walter N., Boston. | Dillaway, Wm. E. L., Boston. |
| Bullock, A. G., Worcester. | Dodge, Frederic, Boston. |
| †Burdett, Everett W., Boston. | †Dodge, Robert Gray, Boston. |
| †Burke, Charles E., Pittsfield. | †Doran, James P., New Bedford. |
| †Burke, Francis, Boston. | †Dorr, Dudley A., Boston. |
| Burnham, Addison C., Boston. | †Dubuque, Hugo A., Fall River. |
| †Burrage, Albert C., Boston. | †Dunbar, Frank Emerson, Lowell. |
| †Cabot, Frederick Pickering, Boston. | †Dunbar, William H., Boston. |
| †Carleton, Philip Greenleaf, Boston. | ‡Eisner, Michael L., Pittsfield. |
| †Carroll, Francis M., Boston. | †Elder, Charles R., Boston. |
| Carver, Eugene P., Boston. | †Elder, Samuel J., Boston. |
| †Chamberlain, Albert Henry, Boston. | †Ellis, David A., Boston. |
| †Chandler, Albert Minot, Boston. | †Ely, Frederick D., Boston. |
| Chandler, Alfred D., Boston. | †Ensign, Charles S., Jr., Boston. |
| †Channing, Henry Morse, Boston. | †Eyges, Leon Russell, Boston. |
| Clapp, Robert P., Lexington. | Fall, George Howard, Malden. |
| Clark, Chester W., Boston. | †Farley, John Wells, Boston. |
| Clark, I. R., Boston. | †Farlow, John S., Boston. |
| †Clark, Lyman K., Boston. | †Farnham, Frank A., Boston. |
| †Clarke, Arthur F., Boston. | †Farrell, Michael F., Boston. |
| Clarke, George Lemist, Boston. | †Feely, Joseph J., Boston. |
| †Clarke, Henry Martyn, Boston. | †Ferber, J. Bernard, Boston. |
| Clifford, Charles W., New Bedford. | †Field, Fred T., Boston. |
| Coakley, Daniel H., Boston. | †Field, Whitcomb, Boston. |
| †Coale, George O. G., Boston. | Fish, Frederick P., Boston. |
| †Cohen, Abraham K., Boston. | †Fisher, Frederic A., Lowell. |
| †Colt, James D., Boston. | †Fiske, Andrew, Boston. |
| †Cook, Otis Seabury, New Bedford. | †Flint, Albert F., Boston. |
| Coolidge, William H., Boston. | †Flynn, George A., Boston. |
| †Corbett, Joseph J., Boston. | †Folsom, Henry H., Boston. |
| Cotter, James E., Boston. | †Forbes, J. Grant, Boston. |
| †Cox, Guy W., Boston. | †Forbush, Frank M., Boston. |
| †Crain, Robert Jackson, Boston. | Foster, Alfred D., Boston. |
| Crapo, William W., New Bedford. | †Foster, Frederick, Boston. |

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

- Foster, Reginald, Boston.
 †Fox, William Henry, Taunton.
 French, Arthur P., Boston.
 French, Asa P., Boston.
 French, William B., Boston.
 Friedman, Lee M., Boston.
 †Fuller, James, Roxbury.
 †Gage, Thomas Hovey, Jr., Worcester.
 Gallagher, Charles T., Boston.
 Gallagher, Thomas F., Fitchburg.
 †Garcelon, William F., Boston.
 Garfield, Harry A., Williamstown.
 Giddings, Charles, Great Barrington.
 †Gilman, Edwin C., Boston.
 Goodale, Francis G., Boston.
 †Goodspeed, Alex. McLellan, New Bedford.
 †Goodwin, Robert E., Boston.
 †Gordon, John, Boston.
 †Grant, Walter B., Boston.
 Gray, J. Converse, Boston.
 Gray, John C., Boston.
 Greene, Frederick L., Greenfield.
 Grinnell, Charles E., Boston.
 Grinnell, Frank W., Boston.
 †Hadley, Eugene J., Boston.
 Hale, Richard W., Boston.
 †Hall, Damon E., Boston.
 †Hall, Edward Kimball, Boston.
 †Hall, F. Rockwood, Boston.
 †Hall, Frank B., Worcester.
 †Hall, Frederick S., Taunton.
 †Hall, John L., Boston.
 †Hall, Walter Perley, Boston.
 †Halloran, James Ambrose, Boston.
 †Hallowell, J. Mott, Boston.
 †Hamilton, Samuel K., Boston.
 Hamlin, Charles S., Boston.
 Hammond, John C., Northampton.
 Hannigan, John E., Boston.
 †Hartstone, Walter, Boston.
 †Haskins, David Greene, Jr., Boston.
 †Hayes, Alfred S., Boston.
 †Hayes, William Allen, Boston.
 †Heard, Nathan, Boston.
 †Hellier, Charles E., Boston.
 Hemenway, Alfred, Boston.
 †Herbert, John, Boston.
 †Hersey, Arthur U., Boston.
 †Hight, Clarence Albert, Boston.
 Hill, Arthur Dehon, Boston.
 †Hill, Donald Mackay, Boston.
 †Hills, George E., Boston.
 †Hitch, Mayhew R., New Bedford.
 †Hitchcock, Loranus E., Boston.
 †Hitchcock, Wm. Harold, Boston.
 †Hoague, Theodore, Boston.
 †Holland, Bert E., Boston.
 †Holliday, Guy H., Boston.
 †Homans, Robert, Boston.
 †Hooper, S. Henry, Boston.
 Howe, Elmer P., Boston.
 Hubbard, Harry, Newton Center.
 †Hudson, Samuel H., Boston.
 †Hughes, John T., Boston.
 Hurlbutt, Henry F., Boston.
 Hutchings, Henry M., Boston.
 Innes, Charles H., Boston.
 Irwin, Richard W., Northampton.
 †Jacobs, Philip W., Boston.
 †James, Henry, Jr., Boston.
 †Jaqinth, Harry J., Boston.
 Jennings, Andrew J., Fall River.
 Johnson, Benjamin N., Boston.
 †Johnson, Melvin M., Boston.
 †Johnson, Reginald H., Boston.
 †Jones, Boyd B., Boston.
 †Jones, Nathaniel N., Boston.
 Jones, Stephen R., Boston.
 †Jordan, Michael J., Boston.
 Joslin, James T., Hudson.
 †Joslin, Ralph Edgar, Boston.
 †Joyner, Herbert C., Great Barrington.
 †Katz, Maurice L., Worcester.
 †Keating, Patrick M., Boston.
 Kellen, William V., Cohasset.
 †Kelley, James Edward, Boston.
 †Kelly, Thomas, Boston.
 †Kenny, Thomas J., Boston.
 †Kimball, George Everett, Boston.
 †King, C. O., Brockton.
 †King, Henry A., Springfield.
 †Knight, Robert A., Springfield.
 Ladd, Nathaniel W., Boston.
 †Lasker, Henry, Springfield.
 †Lawton, Frederick, Boston.
 †Leahy, John P., Boston.
 †Leverett, George V., Boston.
 †Leveroni, Frank, Boston.
 Lewenberg, Solomon, Boston.
 †Lilley, Charles S., Lowell.
 †Lincoln, Alexander, Boston.
 †Lincoln, Arba N., Fall River.
 †Linscott, Frank K., Boston.
 †Little, Amos R., Boston.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Long, Henry C., Boston.
 †Lord, Arthur, Boston.
 †Loring, Victor J., Boston.
 †Lothrop, Thornton K., Jr., Boston.
 Lowell, Francis C., Boston.
 †Lowell, James A., Boston.
 Lowell, John, Boston.
 Macleod, William A., Boston.
 †Magenis, James P., Boston.
 Malone, Dana, Greenfield.
 †Marden, Oscar A., Boston.
 †Mason, John W., Northampton.
 †May, Marcus B., Boston.
 †Michelman, Joseph, Boston.
 Morse, Godfrey, Boston.
 Morse, Robert M., Boston.
 †Morse, William A., Boston.
 †Morton, James M., Jr., Fall River.
 Morton, Marcus, Boston.
 †Mowatt, Fred W., Boston.
 †Murchie, Guy, Boston.
 †Murray, Wm. F., Boston.
 Myers, James J., Boston.
 †Myrick, N. Sumner, Boston.
 †McAnarney, John W., Boston.
 McClench, William W., Springfield.
 †McClennen, Edward F., Boston.
 McConnell, James E., Boston.
 †McDonough, Charles A., Boston.
 McEvoy, John W., Lowell.
 †McInnes, Edwin G., Boston.
 McLaughlin, John D., Boston.
 †Nay, Frank N., Boston.
 †Newell, James M., Boston.
 Niles, William H., Lynn.
 †Norwood, C. Augustus, Boston.
 †Noxon, John F., Pittsfield.
 Nutter, George R., Boston.
 †O'Connell, Joseph F., Boston.
 †O'Donnell, James E., Lowell.
 †Ogden, Hugh W., Boston.
 Olmstead, James M., Boston.
 Olney, Richard, Boston.
 †Ong, Eugene W., Boston.
 †Osgood, William N., Boston.
 Parker, Herbert, Boston.
 †Parker, Philip S., Boston.
 †Parker, William C., New Bedford.
 †Partridge, Olcott Osborn, Boston.
 Payson, Edward P., Boston.
 †Peabody, Francis, Boston.
 Pearl, Francis H., Haverhill.

†Pease, Frank Alvin, Fall River.
 Pelletier, Joseph C., Boston.
 †Perkins, Thomas N., Boston.
 Pevey, Gilbert A. A., Boston.
 †Philips, Benjamin, Boston.
 †Phillips, Arthur S., Fall River.
 †Pickering, Henry Goddard, Boston.
 Pickman, John J., Lowell.
 Pillsbury, Albert E., Boston.
 Pinkerton, Alfred S., Worcester.
 †Poor, John R., Brookline.
 Pound, Roscoe, Cambridge.
 †Powers, Samuel L., Boston.
 Proctor, Thomas W., Boston.
 †Pugh, James Thomas, Boston.
 †Pulsifer, Geo. Royal, Boston.
 †Putnam, James L., Boston.
 Putnam, William L., Boston.
 †Quinby, William, Boston.
 †Quincy, Josiah H., Boston.
 Rackemann, Charles Sedgwick, Boston.
 †Rackemann, Felix, Boston.
 Ranney, Fletcher, Boston.
 †Raymond, John Marshall, Salem.
 †Raymond, Robert F., Boston.
 †Reynolds, John J., Boston.
 †Rice, John C., Boston.
 †Richards, Albin L., Boston.
 †Richardson, Henry T., Boston.
 Richardson, W. K., Boston.
 Roberts, George L., Boston.
 Rogers, Foster, Boston.
 †Rogers, George Lyman, Boston.
 †Rubenstein, Philip, Boston.
 Rugg, Arthur P., Worcester.
 †Ruggles, Daniel B., Boston.
 †Russell, Charles A., Gloucester.
 †Russell, J. Porter, Boston.
 †Sabine, William, Boston.
 †Saltonstall, Richard M., Boston.
 †Saunders, Charles G., Boston.
 †Saville, Huntington, Boston.
 †Sawtell, Frank M., Boston.
 Sawyer, Alfred P., Lowell.
 Saxe, John W., Boston.
 Scaife, Lauriston L., Boston.
 Schofield, William, Malden.
 †Sears, George B., Salem.
 †Sears, Wm R., Boston.
 †Shackford, Samuel B., Boston.
 Shattuck, Charles E., Boston.
 †Shattuck, Henry Lee, Boston.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

†Sheehan, Jos. A., Boston.
 †Sheldon, Henry N., Boston.
 Shepard, Harvey N., Boston.
 Sherman, Roland H., Boston.
 †Simpson, Frank Leslie, Boston.
 †Sisk, James H., Lynn.
 †Slater, John S., Boston.
 Slocum, Edward T., Pittsfield.
 Slocum, Winfield S., Boston.
 †Smith, Arthur Thad., Boston.
 Smith, Fitz-Henry, Jr., Boston.
 Smith, Frank Bulkeley, Worcester.
 Smith, Henry Hyde, Boston.
 Smith, Jeremiah, Jr., Boston.
 †Sohier, Wm. D., Boston.
 Southard, Louis C., Boston.
 †Sprague, Charles H., Boston.
 Spring, Arthur L., Boston.
 †Stanton, Horace B., Boston.
 †Stanwood, Philip C., Boston.
 †Stiles, James A., Gardner.
 †Stockbridge, William Mauran, Boston.
 †Stone, Charles B., West Acton.
 Stone, Frederic M., Boston.
 †Stone, Robert B., Boston.
 †Stone, Willmore B., Springfield.
 Storey, Moorfield, Boston.
 †Storey, Richard C., Boston.
 †Stratton, Charles E., Boston.
 †Strout, Henry F., Boston.
 †Sullivan, James W., Lynn.
 †Sullivan, William B., Boston.
 Swaim, Roger Dyer (Boston), Cambridge.
 Swan, Charles H., Boston.
 †Swan, Charles Herbert, Boston.
 Swan, William W., Boston.
 †Sweetser, George A., Boston.
 †Swift, James Morcus, Boston.
 Taft, George S., Worcester.
 †Taintor, Giles, Boston.
 Thayer, Ezra R., Cambridge.
 †Thayer, Henry Holmes, Worcester.
 †Thompson, William G., Boston.
 †Thorndike, John Larkin, Boston.
 †Tisdale, Archibald R., Boston.
 †Travis, George Clark, Boston.
 Tucker, George F., Boston.
 Tyler, Charles H., Boston.
 †Tyler, Marion L., Boston.
 †Tyng, Stephen H., Boston.
 †Vahey, James H., Boston.
 Van Everen, Horace, Boston.

†Vaughan, Ernest H., Worcester.
 †Vaughan, Henry G., Boston.
 †Vaughan, Wm. W., Boston.
 Voorhees, Harvey C., Boston.
 †Wait, William Cushing, Boston.
 †Wakefield, John Lathrop, Boston.
 Wambaugh, Eugene, Cambridge.
 †Wardner, G. Philip, Boston.
 †Ware, Charles Eliot, Fitchburg.
 Warner, Henry E., Boston.
 Warner, Joseph B., Boston.
 Warren, Edward H., Boston.
 Waters, Asa W. (Philadelphia, Pa.),
 Cambridge.
 †Waters, Bertram G., Boston.
 †Wead, Leslie C., Boston.
 †Weed, Alonzo R., Boston.
 Wellman, Arthur H., Boston.
 Weston, Robert Dickson, Boston.
 †Weston, Thomas, Jr., Boston.
 †Wharton, Wm. F., Boston.
 Whipple, Sherman L., Boston.
 †White, Alden P., Salem.
 †White, Frank Owen, Boston.
 White, Luther, Chicopee.
 †White, Moses Perkins, Boston.
 †Whiteside, Alexander, Boston.
 †Whitman, Edmund A., Boston.
 †Whittemore, Charles A., Boston.
 †Whittlesey, John J., Pittsfield.
 †Wier, Frederick N., Lowell.
 †Wiles, Thomas L., Boston.
 Williams, David W., Boston.
 Williston, Samuel (Cambridge), Belmont.
 †Wilson, Butler R., Boston.
 †Wilson, George L., Boston.
 †Wood, L. Elmer, Fall River.
 †Wright, Charles H., Pittsfield.
 Wrightington, S. R., Boston.
 Wyman, Henry A., Boston.
 †Young, Owen D., Boston.
 †Young, Stephen Emerson, Boston.
 †Youngman, William S., Boston.

MEXICO.

Godman, M. M., Acapulco.
 Warner, James Harold, Mexico City.

MICHIGAN.

Antisdel, John P., Detroit.
 Arthur, Jesse, Battle Creek
 Baldwin, Clark E., Adrian.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Ball, Dan H., Marquette.
 Bancker, Enoch, Jackson.
 Barlow, Burt E., Coldwater.
 Barnett, James F., Grand Rapids.
 Bates, George W., Detroit.
 Bates, Henry M., Ann Arbor.
 Beaumont, John W., Detroit.
 Bissell, John H., Detroit.
 Black, Cyrenius P., Lansing.
 Boudeman, Dallas, Kalamazoo.
 Brewster, James H., Ann Arbor.
 Brownson, Robert M., Pontiac.
 †Bulkley, Harry Conant, Detroit.
 Bundy, McGeorge, Grand Rapids.
 †Byers, L. W., Iron River.
 Campbell, Charles H., Detroit.
 Campbell, Henry M., Detroit.
 Carpenter, William L., Detroit.
 Carton, John J., Flint.
 Casgrain, Charles W., Detroit.
 Chadbourne, Thomas L., Houghton.
 Chappell, Fred L., Kalamazoo.
 Choate, Ward N., Detroit.
 Clark, Joseph H., Detroit.
 Corliss, John B., Detroit.
 Covell, George V., Traverse City.
 Danaher, Michael B., Ludington.
 Denison, Arthur C., Grand Rapids.
 Dickinson, Don M., Trenton.
 Dickinson, Julian G., Detroit.
 †Dodge, Frank L., Lansing.
 †Donnelly, John C., Detroit.
 Douglas, Samuel T., Detroit.
 Driggs, Frederick E., Detroit.
 Duffield, Henry M., Detroit.
 Durand, Lorenzo T., Saginaw, E. S.
 Earl, Otis A., Kalamazoo.
 Engelhard, Charles, Detroit.
 Fellows, Grant, Hudson.
 Fuller, Jay, Detroit.
 Gage, Alexander K., Detroit.
 Graves, Henry B., Detroit.
 Gray, Robert T., Detroit.
 Gray, William J., Detroit.
 Griswold, Norris O., Greenville.
 †Groesbeck, Alex. J., Jr., Detroit.
 Hanchett, Benton, Saginaw.
 Harmon, Henry A., Detroit.
 Harward, Frederick T., Detroit.
 Hatch, Harvey B., Marquette.
 Hatch, William B., Ypsilanti.
 Hayden, Asa K., Cassopolis.

†Henderson, Robert C., Norway.
 Hutchins, Harry B., Ann Arbor.
 Hyde, Wesley W., Grand Rapids.
 January, William L., Detroit.
 Jenkins, Frank E., Oxford.
 Jones, Arthur, Detroit.
 Joslyn, Charles D., Detroit.
 Keena, James T., Detroit.
 Keeney, Willard F., Grand Rapids.
 Kellie, Ronald Scott, Detroit.
 Kent, Charles A., Detroit.
 Kingsley, Willard, Grand Rapids.
 Knappen, Loyal E., Grand Rapids.
 Knappen, Stuart E., Grand Rapids.
 Lacy, Arthur J., Detroit.
 Lightner, Clarence A., Detroit.
 Lillie, Walter I., Grand Haven.
 Lockwood, Harry A., Detroit.
 Lyster, Henry L., Detroit.
 MacDonald, William J., Calumet.
 †Manchester, William C., Detroit.
 Miller, Sidney T., Detroit.
 Millis, Wade, Detroit.
 Moore, Joseph B., Lansing.
 McHugh, Philip A., Detroit.
 McMillan, Philip H., Detroit.
 Norris, Mark, Grand Rapids.
 O'Brien, Thomas J., Grand Rapids.
 Ostrander, Russell C., Lansing.
 Oxtoby, James V., Detroit.
 Oxtoby, Walter E., Detroit.
 Palmer, Jonathan, Jr., Detroit.
 Patterson, John H., Pontiac.
 Peter, James B., Saginaw.
 †Reasoner, James M., Lansing.
 Rees, Allen F., Houghton.
 Robertson, Charles R., Detroit.
 Robson, Frank E., Detroit.
 Rood, John R., Ann Arbor.
 Rosenberg, Louis J., Detroit.
 Russell, Henry, Detroit.
 Sabin, Leland H., Battle Creek.
 Selling, Bernard B., Detroit.
 Sloman, Adolph, Detroit.
 Smith, Henry C., Adrian.
 Smith, William M., St. Johns.
 Stivers, Frank A., Ann Arbor.
 Stoddard, Elliott J., Detroit.
 †Stone, John G., Houghton.
 Stone, John W., Lansing.
 †Sullivan, Frank P., Sault Ste. Marie.
 Swift, Charles M., Detroit.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Taggart, Edward, Grand Rapids.
 Taggart, Ganson, Grand Rapids.
 Thornton, Howard A., Grand Rapids.
 Weadock, Thomas A. E., Detroit.
 Whittemore, James, Detroit.
 Wilgus, Horace L., Ann Arbor.
 Wilkins, Charles T., Detroit.
 Wilkinson, Albert H., Detroit.
 Williams, Arthur B., Battle Creek.
 Wilson, Charles M., Grand Rapids.
 Wolcott, Frank T., Port Huron.
 Wolf, Gustave A., Grand Rapids.
 Woodruff, Charles M., Detroit.
 Wurzer, Louis C., Detroit.
 Yerkes, George B., Detroit.

MINNESOTA.

Abbott, Howard S., Minneapolis.
 Abbott, Howard T., Duluth.
 Albert, Charles S., Minneapolis.
 Armstrong, James D., St. Paul.
 Bailey, William D., Duluth.
 Baldwin, Albert, Duluth.
 Barrows, Morton, St. Paul.
 Baxter, John T., Minneapolis.
 Baxter, Luther L., Fergus Falls.
 Bechhoefer, Charles, St. Paul.
 Best, James I., Minneapolis.
 Booth, Wilbur F., Minneapolis.
 Briggs, Asa G., St. Paul.
 †Bright, Alfred H., Minneapolis.
 Bright, Michael S., Duluth.
 Brooks, Frank C., Minneapolis.
 Brown, Leslie L., Winona.
 Brown, Rome G., Minneapolis.
 Buffington, Edwin D., Stillwater.
 Buffington, George W., Minneapolis.
 Bunn, Charles W., St. Paul.
 Bunn, George L., St. Paul.
 Burchard, John E., St. Paul.
 Burr, Stiles W., St. Paul.
 Butler, Pierce, St. Paul.
 Cant, William A., Duluth.
 Cash, Daniel G., Duluth.
 Chapin, Walter L., St. Paul.
 Chase, Nathan H., Minneapolis.
 Child, S. R., Minneapolis.
 Childs, Clarence H., Minneapolis.
 Chrisman, Charles E., Ortonville.
 †Clapp, Harvey S., Duluth.
 Clapp, Newel H., St. Paul.
 Clark, Homer P., St. Paul.

Cobb, Albert C., Minneapolis.
 Cohen, Emanuel, Minneapolis.
 Comfort, F. V., Stillwater.
 Congdon, Chester A., Duluth.
 Cotton, Joseph B., Duluth.
 †Courtney, Henry A., Duluth.
 Crane, Jay W., Minneapolis.
 Crosby, Wilson G., Duluth.
 Cutting, William H., Buffalo.
 Daley, Andrew J., Luverne.
 d'Autremont, Charles, Jr., Duluth.
 Denègre, James D., St. Paul.
 Deutsch, Henry, Minneapolis.
 Dibell, Homer B., Duluth.
 Dickey, J. M., St. Paul.
 Dickinson, H. D., Minneapolis.
 Dille, John I., Minneapolis.
 Dodge, Fred B., Minneapolis.
 Dodge, Willis Edward, Minneapolis.
 Douglas, Marion, Duluth.
 Durment, Edmund S., St. Paul.
 †Duxbury, F. A., Caledonia.
 Duxbury, W. R., St. Paul.
 Dwinnell, W. S., Minneapolis.
 Eckstein, Joseph A., New Ulm.
 Ewing, Arthur W., Dawson.
 Ewing, Frank H., St. Paul.
 Farnham, Charles W., St. Paul.
 Finney, A. C., Minneapolis.
 Fish, Daniel, Minneapolis.
 Flannery, George P., Minneapolis.
 †Flannery, Henry C., Minneapolis.
 Fosnes, C. A., Montevideo.
 Fowler, Charles R., Minneapolis.
 Frankel, Louis R., St. Paul.
 French, Lafayette, Austin.
 Furst, William, Minneapolis.
 Gale, Edward C., Minneapolis.
 Gilman, L. C., St. Paul.
 †Gjerset, Oluf, Montevideo.
 Giertsen, Henry J., Minneapolis.
 †Grau, Victor H., Duluth.
 †Greene, Warren E., Duluth.
 Halbert, Clarence W., St. Paul.
 Hale, William E., Minneapolis.
 Hall, Albert H., Minneapolis.
 Hallam, Oscar, St. Paul.
 Hanley, Martin Franklin, Minneapolis.
 Harris, L. C., Duluth.
 †Hayes, R. M., Minneapolis.
 †Hendricks, John Albert, Fosston.
 Holt, Andrew, Minneapolis.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

†Hubachek, Frank R., Minneapolis.
 Jackson, Anson B., Minneapolis.
 Jayne, Trafford N., Minneapolis.
 Jenswold, John, Jr., Duluth.
 †Kaercher, Aaront Benj., Ortonville.
 Kellogg, Frank P., St. Paul.
 Kennedy, Richard L., St. Paul.
 Kerr, William A., Minneapolis.
 Kingman, Joseph R., Minneapolis.
 Koon, Martin B., Minneapolis.
 Korns, E. B., Tracy.
 Lamberton, Henry M., Winona.
 Lancaster, William A., Minneapolis.
 Larimore, John A., Minneapolis.
 Larrabee, Frank D., Minneapolis.
 Larson, Oscar J., Duluth.
 Latham, F. E., Howard Lake.
 Laybourn, C. G., Minneapolis.
 †Lees, Edward, Winona.
 Lightner, William H., St. Paul.
 Lind, John, Minneapolis.
 Lindley, Erasmus C., St. Paul.
 †Marshall, Alexander, Duluth.
 Mason, Alfred F., St. Paul.
 Mercer, Hugh V., Minneapolis.
 Miller, Clarence B. (Washington, D. C.),
 Duluth.
 Mitchell, Oscar, Duluth.
 Mitchell, William D., St. Paul.
 †Monohan, James, Minneapolis.
 †Moonan, John, Waseca.
 Moore, Albert R., St. Paul.
 †Morgan, Henry A., Albert Lea.
 Morphy, E. Howard, St. Paul.
 Morris, Page, Duluth.
 †Morris, William R., Minneapolis.
 Munn, Marcus D., St. Paul.
 McClenahan, William S., Brainerd.
 McDonald E. E., Bemidji.
 McGee, J. F., Minneapolis.
 McKenzie, John, Minneapolis.
 Nye, Carroll A., Moorhead.
 †O'Brien, James Edward, Minneapolis.
 †Odell, Wm. Collins, Chaska.
 †Osborne, James W., Ely.
 Paige, James, Minneapolis.
 Patterson, Elmer C., Minneapolis.
 Paul, A. C., Minneapolis.
 Penney, R. L., Minneapolis.
 Phelps, H. H., Duluth.
 †Powell, Ransom J., Minneapolis.
 †Prendergast, Edmund A., Minneapolis.

†Price, Frank F., Grand Rapids.
 Quinn, Thomas H., Faribault.
 Qvale, G. E., Willmar.
 Randall, Henry E., St. Paul.
 Rea, S. C., Luverne.
 Roberts, Harlan P., Minneapolis.
 Roberts, William P., Minneapolis.
 Robertson, James, Minneapolis.
 Rockwood, Chelsea J., Minneapolis.
 Sanborn, Edward P., St. Paul.
 Sanborn, Walter H., St. Paul.
 †Schmidt, Philip C., Duluth.
 Seevers, George W., Minneapolis.
 †Selover, George H., Minneapolis.
 Severance, Cordenio A., St. Paul.
 Shaw, Frank W., Minneapolis.
 Shearer, James D., Minneapolis.
 Shreehan, James B., St. Paul.
 Simpson, David F., St. Paul.
 Smith, Edward E., Minneapolis.
 Smith, Lyndon A., Montevideo.
 Snyder, F. B., Minneapolis.
 Spooner, Lewis C., Morris.
 Steele, John H., Minneapolis.
 Stringer, Edward C., St. Paul.
 Stryker, John E., St. Paul.
 Sullivan, Francis W., Duluth.
 Tawney, James A., Winona.
 Taylor, Benjamin, Mankato.
 Thian, Louis R., Minneapolis.
 Thompson, Charles T., Minneapolis.
 Thygeson, N. M., Minneapolis.
 Tiffany, Francis B., St. Paul.
 Tighe, Ambrose, St. Paul.
 Traxler, Charles J., Minneapolis.
 Tryon, Charles J., Minneapolis.
 Ueland, A., Minneapolis.
 Waite, Edward F., Minneapolis.
 †Ware, John Roland, Minneapolis.
 Washburn, Jed L., Duluth.
 Watson, James T., Duluth.
 Webber, Marshall B., Winona.
 Weil, Jonas, Minneapolis.
 Wenzell, Henry Burleigh, St. Paul.
 Wheelwright, John O. P., Minneapolis.
 Whelan, Ralph, Minneapolis.
 White, William G., St. Paul.
 Williams, John G., Duluth.
 Williamson, James F., Minneapolis.
 Wilson, Coryate S., Duluth.
 Wilson, George P., Minneapolis.
 Wright, Arthur W., Austin.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Wyman, G. H., Anoka.
 Young, Edward B., St. Paul.
 †Zollman, F. W., St. Paul.

MISSISSIPPI.

Allen, John, Tupelo.
 Anderson, George, Vicksburg.
 Anderson, W. D., Tupelo.
 Bowers, E. J., Gulfport.
 Bozeman, Albert S., Meridian.
 Brunini, John B., Vicksburg.
 Campbell, Robert B., Greenville.
 Clifton, Wiley H., Aberdeen.
 Davis, James Edgar, Hattiesburg.
 Dunn, C. C., Meridian.
 †Fox, A. F., West Point.
 Farley, L. J., Oxford.
 Greaves, H. B., Canton.
 Hirsh, J., Vicksburg.
 Houston, David W., Aberdeen.
 Howry, Charles B. (Washington, D. C.),
 Oxford.
 Landau, Moses David, Vicksburg.
 Lyell, Gordon G., Jackson.
 †Mayes, Robert B., Jackson.
 Miller, Robert N., Hazlehurst.
 Moody, Cary C., Greenville.
 McDonald, Will T., Bay St. Louis.
 McLaurin, R. L., Vicksburg.
 McWillie, Thomas A., Jackson.
 Neville, James H., Gulfport.
 Percy, Leroy, Greenville.
 Peyton, Frank M., Jackson.
 Powell, William H., Canton.
 Robertson, V. Otis, Jackson.
 Rose, A. J., Greenville.
 Sanders, J. O. S., Jackson.
 Scott, Charles, Rosedale.
 Sexton, James S., Hazlehurst.
 Shands, A. W., Sardis.
 Somerville, Thomas H., Oxford.
 Stovall, A. T., Okalona.
 Thompson, Robert H., Jackson.
 †Travis, S. E., Hattiesburg.
 Welch, W. S., Laurel.
 Wells, Ben H., Jackson.
 Willing, Robert P., Jackson.
 Woods, Edgar H., Rosedale.

MISSOURI.

Abbott, A. L., St. Louis.
 Allen, Charles Claffin, St. Louis.

Allen, Clifford B., St. Louis.
 †Anderson, Thomas L., St. Louis.
 Ashley, Henry De L., Kansas City.
 Babbitt, Byron F., St. Louis.
 Bakewell, Paul, St. Louis.
 Ball, R. E., Kansas City.
 Barclay, Shepard, St. Louis.
 Bates, Charles W., St. Louis.
 Beck, George F., St. Louis.
 Bishop, John E., St. Louis.
 †Black, Arthur G., Kansas City.
 Blair, Albert, St. Louis.
 Blevins, John A., St. Louis.
 Blodgett, Henry W., St. Louis.
 †Bond, Sterling P., St. Louis.
 †Bond, Thomas, St. Louis.
 Borland, William P., Kansas City.
 Botsford, James S., Kansas City.
 †Bowersock, Justin D., Kansas City.
 †Britton, Ray F., St. Louis.
 Brown, R. A., St. Joseph.
 Bryan, P. Taylor, St. Louis.
 Bryson, Joseph M., St. Louis.
 Buder, Gustavus A., St. Louis.
 Buder, Oscar E., St. Louis.
 Carr, James A., St. Louis.
 Carter, Frank W., St. Louis.
 Charles, Benjamin H., St. Louis.
 Christie, Harvey L., St. Louis.
 Clarke, Enos, St. Louis.
 †Cobbs, Thomas H., St. Louis.
 Cochran, Alexander G., St. Louis.
 Coles, Walter D., St. Louis.
 Collins, Charles Cummings, St. Louis.
 †Collins, Robert E., St. Louis.
 †Comer, Charles P., St. Louis.
 Curtis, William S., St. Louis.
 D'Arcy, Edward, St. Louis.
 Davis, J. Lionberger, St. Louis.
 †Decker, Gustav F., St. Louis.
 †Dickson, Joseph, Jr., St. Louis.
 Donaldson, William R., St. Louis.
 Donaldson, William R., Jr., St. Louis.
 †Donnell, Forrest C., St. Louis.
 Douglas, Walter B., St. Louis.
 Dyer David P., St. Louis.
 Early, Marion C., St. Louis.
 Elliot, Edward C., St. Louis.
 Ellison, Edward D., Kansas City.
 Ellison, James, Kansas City.
 †Estep, Thomas B., St. Louis.
 Ferriss, Franklin, St. Louis.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Fisse, William E., St. Louis.
 Fordyce, Samuel W., Jr., St. Louis.
 †Fox, Charles J., St. Louis.
 Gantt, James B., Jefferson City.
 †Garesche, Vital W., St. Louis.
 Garvin, William Everett, St. Louis.
 Gates, Edward P., Independence.
 Gentry, North T., Columbia.
 †German, Charles W., Kansas City.
 †Gossett, Alfred N., Kansas City.
 Grant, Lee W., St. Louis.
 Greensfelder, Bernard, St. Louis.
 Grossman, Emanuel M., St. Louis.
 Haff, Delbert J., Kansas City.
 Hagerman, Frank, Kansas City.
 Hagerman, James, St. Louis.
 Hagerman, James, Jr., St. Louis.
 Hagerman, Lee W., St. Louis.
 †Hamilton, Henry A., St. Louis.
 †Hancock, W. Scott, St. Louis.
 Harkless, James H., Kansas City.
 Higdon, John C., St. Louis.
 Hinton, Edward W., Columbia.
 Histed, Clifford, Kansas City.
 Hitchcock, George C., St. Louis.
 Hocker, Lou O., St. Louis.
 †Holliday, John Hodgman, St. Louis.
 †Holliday, Jos. G., St. Louis.
 †Holmes, J. M., St. Louis.
 Hough, Warwick M., St. Louis.
 †Ingraham, Robert J., Kansas City.
 †Johnson, Charles P., St. Louis.
 Johnson, George S., St. Louis.
 †Johnson, William T., Kansas City.
 Jones, James C., St. Louis.
 †Jones, Richard A., St. Louis.
 Jourdan, Morton, St. Louis.
 Judson, Frederick N., St. Louis.
 Kehr, Edward C., St. Louis.
 Keysor, William W., St. Louis.
 Kirby, Daniel Noyes, St. Louis.
 Krauthoff, Edwin A., Kansas City.
 Ladd, Sanford B., Kansas City.
 Lawson, John D., Columbia.
 Lee, John F., St. Louis.
 Leahy, John S., St. Louis.
 Lehmann, Fred W., St. Louis.
 Lehmann, Sears, St. Louis.
 †Lionberger, Isaac H., St. Louis.
 †Lucas, O. A., Kansas City.
 Lyon, Montague, St. Louis.
 Lyons, Martin, St. Louis.

Madison, Charles C., Kansas City.
 Mahan, George A., Hannibal.
 Major, Elliott W., Jefferson City.
 Marlatt, Herbert R., St. Louis.
 †Michaels, Wm. C., Kansas City.
 †Mix, George E., St. Louis.
 †Moloney, Robert E., St. Louis.
 †McChesney, S. P., St. Louis.
 McDonald, Jesse, St. Louis.
 McLeod, W. D., Kansas City.
 Nagel, Charles (Washington, D. C.),
 St. Louis.
 †Nardin, William T., St. Louis.
 New, Alexander, Kansas City.
 Noble, John W., St. Louis.
 †Nortoni, Albert D., St. Louis.
 Orr, Isaac H., St. Louis.
 Orrick, Allen C., St. Louis.
 Ottofy, L. Frank, St. Louis.
 †Overall, John H., St. Louis.
 Pattison, Everett W., St. Louis.
 †Paxson, Alfred A., St. Louis.
 Philips, John F., Kansas City.
 †Piatt, Wm. H. H., Kansas City.
 Pierce, Thomas M., St. Louis.
 Pike, Vinton, St. Joseph.
 †Polk, Charles M., St. Louis.
 Porter, Valentine Mott, St. Louis.
 Powell, Elmer N., Kansas City.
 †Powell, Walter A., Kansas City.
 Rassieur, Theodore, St. Louis.
 †Reynolds, George D., St. Louis.
 †Reynolds, George Vogdes, St. Louis.
 Reynolds, Thomas H., Kansas City.
 Robbins, Alexander H., St. Louis.
 †Robert, Douglas W., St. Louis.
 Robert, Edward S., St. Louis.
 Robertson, George, Mexico.
 †Rombauer, Edgar R., St. Louis.
 †Rombauer, Rodrick E., St. Louis.
 Rozzelle, Frank F., Kansas City.
 Ryan, O'Neill, St. Louis.
 Schaich, John G., Kansas City.
 Schnurmacher, Benjamin., St. Louis.
 Schofield, F. L., Hannibal.
 Shepley, Arthur B., St. Louis.
 Shields, George H., St. Louis.
 Small, Charles E., Kansas City.
 Smith, Luther Ely, St. Louis.
 Spencer, Selden P., St. Louis.
 †Stewart, Alphonso Chase, St. Louis.
 †Sturdevant, Willard L., St. Louis.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Swarts, Solomon L., St. Louis.
 Taussig, James, St. Louis.
 †Taylor, Perry Post, St. Louis.
 Taylor, Seneca N., St. Louis.
 †Thomas, Wm. O., Kansas City.
 Thompson, William B., St. Louis.
 Tichenor, Charles O., Kansas City.
 Titus, Frank, Kansas City.
 †Vierling, Frederick, St. Louis.
 Vineyard, J. J., Kansas City.
 Wagner, Hugh K., St. Louis.
 Walker, Robert F., St. Louis.
 Walther, Lambert E., St. Louis.
 Watts, Millard F., St. Louis.
 ‡Werner, Percy, St. Louis.
 †West, Samuel H., St. Louis.
 Wheless, Joseph, St. Louis.
 †White, Edward J., Kansas City.
 †White, Thomas W., St. Louis.
 Wilfley, Lebbeus R. (Mexico City, Mexico), St. Louis.
 Wilfley, Xenophen P., St. Louis.
 Williams, James C., Kansas City.
 †Williams, R. P., St. Louis.
 †Williamson, John I., Kansas City.
 Wislizenus, Fred A., St. Louis.
 Withrow, James E., St. Louis.
 †Woerner, Wm. F., St. Louis.
 Wood, John M., St. Louis.
 †Wood, Benjamin A., St. Louis.

MONTANA.

Bickford, Walter M., Butte.
 Brantley, Theodore, Helena.
 Clark, W. A., Virginia City.
 Day, E. C., Helena.
 Dixon, William W., Butte.
 Farr, George W., Miles City.
 †Foot, C. H., Kalispell.
 Goddard, O. Fletcher, Billings.
 Hartman, Charles S., Bozeman.
 Hartman, W. S., Bozeman.
 Harwood, Edgar N., Butte.
 Holloway, William L., Helena.
 Johnston, W. M., Billings.
 Kelley, C. F., Butte.
 Noffsinger, W. N., Kalispell.
 Pemberton, William Y., Helena.
 Pomeroy, Charles W., Kalispell.
 Pray, Charles N., Fort Benton.
 Rodgers, William B., Anaconda.
 Roote, Jesse Bryan, Butte.

†Ross, David, Kalispell.
 Shelton, George F., Butte.
 Smith, D. F., Kalispell.
 Walsh, James A., Helena.
 Walsh, Thomas J., Helena.

NEBRASKA.

Allen, William V., Madison.
 Barnes, John B., Norfolk.
 Bartlett, Edmund M., Omaha.
 Baxter, Irving F., Omaha.
 Beeler, Joseph G., North Platte.
 Blackburn, Thomas W., Omaha.
 Boesche, Herman G., Omaha.
 Breckenridge, Ralph W., Omaha.
 Brogan, Francis A., Omaha.
 Brome, Harrison O., Omaha.
 Conant, Ernest B., Lincoln.
 Cowin, John C., Omaha.
 †Crofoot, Lodowick F., Omaha.
 Davidson, Samuel P., Tecumseh.
 Dryden, John N., Kearney.
 Dundey, Charles L., Omaha.
 †Dunham, Braddock H., Omaha.
 Elgutter, Charles S., Omaha.
 †Ellick, Alfred G., Omaha.
 Everson, John, Alma.
 Geisthardt, Stephen L., Lincoln.
 Greene, Charles J., Omaha.
 Greene, Robert J., Lincoln.
 Hainer, Eugene J., Lincoln.
 Hall, Frank M., Lincoln.
 Hall, Matthew A., Omaha.
 Hartigan, Michael A., Hastings.
 Hastings, W. G., Lincoln.
 Horth, Ralph R., Grand Island.
 Kelby, James E., Omaha.
 †Keller, Charles B., Omaha.
 Kennedy, Howard, Omaha.
 Kennedy, J. A. C., Omaha.
 Keyes, Harlow W., Indianola.
 Kinkaid, M. P., O'Neill.
 Kinsler, James C., Omaha.
 Langdon, Martin, Omaha.
 †Learned, Myron L., Omaha.
 Letton, Charles B., Lincoln.
 Loomis, N. H., Omaha.
 Mahoney, Timothy J., Omaha.
 Manderson, Charles F., Omaha.
 Matterns, Thomas H., Omaha.
 Mercer, David H., Omaha.
 Miles, William P., Sidney.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Montgomery, Carroll S., Omaha.
 †Moorhead, Harley G., Omaha.
 †Morsman, Edgar M., Jr., Omaha.
 Munger, William H., Omaha.
 †McDonald, Charles G., Omaha.
 McHugh, William D., Omaha.
 McPheely, John L., Minden.
 O'Neill, Harry E., Tuckerville.
 †Paine, Bayard H., Grand Island.
 Rain, Frank L., Fairbury.
 Rich, Edson, Omaha.
 Rinaker, Samuel, Beatrice.
 Rine, John A., Omaha.
 Robbins, Charles A., Lincoln.
 Ryan, Charles G., Grand Island.
 †Scott, Edgar H., Omaha.
 Sedgwick, Samuel H. (Lincoln), York.
 Smith, Howard B., Omaha.
 Thompson, William H., Grand Island.
 Van Dusen, James H., Omaha.
 Wakeley, Eleazer, Omaha.
 Webster, John L., Omaha.
 †Wells, P. A., Omaha.
 West, Joel W., Omaha.
 White, Benjamin T., Omaha.
 Wilson, Henry H., Lincoln.
 †Woodrough, Joseph W., Omaha.
 Woods, Frank H., Lincoln.

NEVADA.

†Brown, Hugh H., Tonopah.
 Downer, Sylvester S., Reno.
 Hawkins, Prince A., Reno.

NEW HAMPSHIRE.

Albin, John H., Concord.
 †Barton, Jesse M., Newport.
 Branch, Oliver E., Manchester.
 Burleigh, Alvin, Plymouth.
 †Chandler, William E., Concord.
 Chase, Ira A., Bristol.
 Colby, James F., Hanover.
 Corning, Charles R., Concord.
 Cross, David, Manchester.
 Eastman, Samuel C., Concord.
 Hollis, Allen, Concord.
 Hurd, Henry N., Claremont.
 Jewett, Stephen S., Laconia.
 †Madden, Joseph, Keene.
 Mitchell, John M., Concord.
 Niles, Edward C., Concord.
 Perkins, David Walter, Manchester.

Remick, James W., Concord.
 Rich, George F., Berlin.
 Schouler, James, Intervale.
 †Snow, Leslie P., Rochester.
 Streeter, Frank S., Concord.

NEW JERSEY.

Applegate, John S., Red Bank.
 Armstrong, Edward Ambler, Camden.
 †Bacot, John Vacher, Morristown.
 Bergen, James J., Somerville.
 †Boardman, Samuel W., Jr., Newark.
 Borchertling, Charles, Newark.
 Buchanan, James, Trenton.
 Carrow, Howard, Camden.
 Chamberlin, Frederic E., Bayonne.
 †Chandler, Eli H., Atlantic City.
 Clevenger, William M., Atlantic City.
 Cole, Clarence L., Atlantic City.
 Colie, Edward M., Newark.
 Corbin, William H., Jersey City.
 Depue, Sherrerd, Newark.
 Dixon, Warren, Jersey City.
 Duffield, Edward D., Newark.
 Dumont, Wayne (New York, N. Y.),
 Paterson.
 Dunn, Michael, Paterson.
 Ely, John J., Freehold.
 Emery, John R., Morristown.
 †English, Conover, Newark.
 Fay, Thomas P., Long Branch.
 Fort, J. Franklin, East Orange.
 French, Thomas E., Camden.
 Goodell, Edwin B., Montclair.
 Griggs, John W. (New York, N. Y.),
 Paterson.
 Hardin, John R., Newark.
 Hartshorne, Charles H., Jersey City.
 †Hood, Louis, Newark.
 †Howe, William Reed, Orange.
 Kalish, Samuel, Newark.
 Keasbey, Edward Q., Newark.
 Lanning, William M., Trenton.
 Lewis, William I., Paterson.
 Lyon, Adrian, Perth Amboy.
 McCarter, Robert H., Newark.
 McDermott, Frank P., Jersey City.
 Parker, Charles W., Jersey City.
 Parker, Chauncey G., Newark.
 Parker, Cortlandt, Jr., Newark.
 Parker, Richard Wayne, Newark.
 Pitney, John O. H., Newark.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Randolph, Carman F. (New York, N. Y.), Morristown.
 Riker, Adrian, Newark.
 Sherman, Gordon E., Morristown.
 Shipman, George M., Belvidere.
 †Skinner, Alfred F., Newark.
 Stevenson, Eugene, Paterson.
 Strong, Alan H., New Brunswick.
 Swayze, Francis J., Newark.
 Terrell, William J., Burlington.
 Van Buskirk, DeWitt, Bayonne.
 Van Cleef, James H., New Brunswick.
 Voorhees, Willard P., New Brunswick.
 Vroom, Garrett D. W., Trenton.
 †Whiting, Borden D., Newark.
 Wilson, Edmund, Red Bank.
 Wilson, Woodrow (Princeton), Trenton.

NEW MEXICO.

†Abbott, Ira A., Albuquerque.
 Catron, Thomas B., Santa Fé.
 †Clancy, Frank W., Albuquerque.
 †Dougherty, Harry M., Socorro.
 †Field, Neill B., Albuquerque.
 †Hervey, James M., Roswell.
 †Mann, Edward A., Albuquerque.
 Pope, William H., Carlsbad.
 Reid, William C., Roswell.
 †Wilson, Francis C., Santa Fé.

NEW YORK.

Abbott, Everett V., New York.
 †Abbott, Lyman, New York.
 Adams, Elbridge L., New York.
 †Adams, George A., Canton.
 Addoms, Mortimer C., New York.
 †Adler, Isaac, Rochester.
 Agar, John G., New York.
 Alexander, Edward A., New York.
 Allen, Frederick L., New York.
 Allen, James A., New York.
 Allen, Yorke, New York.
 Anable, Courtland V., New York.
 †Andrade, Cipriano, Jr., New York.
 Andrews, James D., New York.
 †Aplington, Henry, New York.
 Appell, Albert J., New York.
 Arnold, Joseph A., New York.
 Arnold, Lynn J., Cooperstown.
 Arnstein, Emanuel, New York.
 Ashley, Clarence D., New York.
 †Auerbach, Joseph S., New York.

†Ayres, Charles H., New York.
 Babbitt, Kurnel R., New York.
 Babst, Earl D., New York.
 †Bachman, George L., Geneva.
 Bacon, Selden, New York.
 †Baggott, Vallandigham B., New York.
 †Baldwin, Roger S., New York.
 †Bamberger, Ira Leo, New York.
 Bangs, Francis S., New York.
 Banton, Joab H., New York.
 Barber, Arthur William, New York.
 †Barrett, Henry R., White Plains.
 †Barry, Herbert, New York.
 Bartlett, John P., New York.
 †Battle, George Gordon, New York.
 †Beardsley, Samuel A., New York.
 Beck, James M., New York.
 Beckwith, S. Vilas, New York.
 Beekman, Charles K., New York.
 Begg, William Reynolds, New York.
 †Bell, Charles, Herkimer.
 Bell, Clark, New York.
 Bell, James D., Brooklyn.
 Benedict, Abraham, New York.
 Benedict, Edward G., New York.
 †Bennet, William S., New York.
 Bennett, David C., Jr., New York.
 Bergen, Tunis G., New York.
 Bijur, Nathan, New York.
 Binney, Harold, New York.
 Bisbee, Ralph, New York.
 Bischoff, Henry, Jr., New York.
 †Bishop, James L., New York.
 †Bissell, Frederick O., Buffalo.
 †Blanchard, James A., New York.
 Blandy, Charles, New York.
 Blymyer, William H., New York.
 Bogert, Henry L., New York.
 †Bond, Walter Huntingdon, New York.
 †Booth, Walter C., New York.
 Boothby, John William, New York.
 Borchert, Hermann, New York.
 Boston, Charles A., New York.
 Boston, John Guyton, New York.
 †Bouvier, John Vernon, Jr., New York.
 Bowen, Adna G., Medina.
 †Bowman, Henry H., New York.
 †Boyle, John Wellington, Utica.
 Brann, Henry A., New York.
 Breed, William C., New York.
 †Brennan, John F., Yonkers.
 †Brewster, George R., Newburgh.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

†Britt, Philip J., New York.
 Brodek, Charles A., New York.
 Brooks, James B., Syracuse.
 Brown, Addison, Cragmoor.
 †Brown, Carl Stedman, New York.
 Brown, Elon R., Watertown.
 Brown, Selden S., Rochester.
 Bruno, Richard M., New York.
 Buck, Gordon M., New York.
 †Buckbee, Monmouth S., White Plains.
 Bullova, Ferdinand E. M., New York.
 †Bunn, Fred A., New York.
 †Burd, George B., Buffalo.
 Burdick, Francis M., New York.
 Burke, John Henry, Ballston Spa.
 †Burke, Thomas C., Buffalo.
 Burlingham, Charles C., New York.
 Burr, William P., New York.
 Butler, Charles Henry (Washington, D. C.), New York.
 Butler, William Allen, Jr., New York.
 Button, William H., New York.
 †Byard, James J., Jr., Cooperstown.
 Byrne, James, New York.
 Cadwalader, John L., New York.
 †Cady, Daniel L., New York.
 Cahn, William L., New York.
 †Cahoone, Richards Mott, Brooklyn.
 Calhoun, Patrick, New York.
 Cameron, Frederick W., Albany.
 †Cameron, Winfield S., Jamestown.
 Campbell, Frederick B., New York.
 Canfield, George F., New York.
 Cantwell, William W., New York.
 Cardozo, Ernest A., New York.
 Carey, Martin, New York.
 †Carlisle, John N., Watertown.
 †Carpenter, George H., Liberty.
 Carpenter, James Emerson, New York.
 Carter, Jarvis P., New York.
 †Caruthers, Allen, New York.
 †Chadbourn, William M., New York.
 Chamberlayne, Charles F., Schenectady.
 †Chandler, Walter M., New York.
 Chanler, Lewis Stuyvesant, New York.
 Chase, George, New York.
 †Cheney, George Nelson, Syracuse.
 †Cheney, Jerome L., Syracuse.
 Childs, Edwards H., New York.
 Chirurg, Isidore S., New York.
 Chittick, Henry R., New York.
 Choate, Joseph H., New York.

Chrystie, T. Ludlow, New York.
 Clark, Jefferson, New York.
 Clark, Martin, Buffalo.
 Clarke, Frederick H., New York.
 Clarke, R. Floyd, New York.
 Clarke, Samuel B., New York.
 Clearwater, Alphonso T., Kingston.
 Clinch, Edward S., New York.
 †Coatsworth, Edward E., Buffalo.
 Cobb, A. Ward, New York.
 Cobb, W. Bruce, New York.
 Cockran, W. Bourke, New York.
 Coffin, Herbert Lawton, New York.
 Cohen, Julius Henry, New York.
 Colby, Bainbridge, New York.
 Collier, Frederick J., Hudson.
 Cooper, Drury W., New York.
 †Corbin, J. Arthur, New York.
 †Corwin, John B., Newburgh.
 †Cossum, Charles F., Poughkeepsie.
 †Couch, Franklin, Peekskill.
 Coudert, Frederic R., New York.
 †Courtney, Thomas E., Cortland.
 Coxe, Macgrane, New York.
 †Cross, Theodore L., Utica.
 Crane, Alexander B., New York.
 Crane, Frederick E., Brooklyn.
 Cravath, Paul D., New York.
 Crosley, Ferdinand S., New York.
 Crowley, Edward Chase, New York.
 Cruikshank, Alfred B., New York.
 Culver, Frederic F., New York.
 †Cumming, E. D., Deposit.
 †Curtis, Frank C., Troy.
 Curtis, W. J., New York.
 Curtis, William Edmond, New York.
 Cushing, Harry Alonzo, New York.
 Daly, Edward Hamilton, New York.
 Daly, Joseph F., New York.
 Danaher, Franklin M., Albany.
 Davies, Julien T., New York.
 Davis, Albert G., Schenectady.
 Davis, David T., New York.
 Davis, Henry K., New York.
 Davis, Vernon M., New York.
 Davison, Charles Stewart, New York.
 †Davison, Clarence S., Tarrytown.
 Daw, George W., Troy.
 Dean, George C., New York.
 Debevoise, Thomas M., New York.
 Deering, James A., New York.
 Deiches, Maurice, New York.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

- †DeLacy, George C., New York.
 Deming, Horace E., New York.
 Denison, Howard P., Syracuse.
 Depew, Chauncey M., New York.
 Dewey, William P., New York.
 Dexter, Stanley W., New York.
 Dillon, John F., New York.
 †Dirnberger, M. F., Jr., Buffalo.
 †Dittenhofer, A. J., New York.
 †Dittenhoefer, Irving M., New York.
 Donnelly, Henry D., New York.
 Dos Passos, John R., New York.
 Dougherty, J. Hampden, New York.
 Douglas, Edward W., Troy.
 Dowd, Willis Bruce, New York.
 Doyle, Louis F., New York.
 Duell, Charles H., New York.
 Dugan, Patrick C., Albany.
 Dunscomb, Samuel Whitney, Jr., New York.
 Dutton, John A., New York.
 †Dykman, William N., Brooklyn.
 Earle, Henry M., New York.
 Easton, Charles Philip, New York.
 Easton, Robert T. B., New York.
 Eddy, Charles B., New York.
 Edmonds, Samuel O., New York.
 †Edson, Walter H., Falconer.
 †Edwards, Clarence, Elmhurst.
 †Ehrhorn, Oscar W., New York.
 Einstein, B. F., New York.
 Elkus, Abram I., New York.
 †Elliott, George Frederick, Brooklyn.
 Ellis, George W., New York.
 †Ellis, John W., Ellicottville.
 Ellison, William Bruce, New York.
 Elsberg, Nathaniel A., New York.
 Emerson, George H., New York.
 †Ennever, Thomas C., New York.
 Erwin, Frank Alexander, New York.
 Estabrook, Henry D., New York.
 Ewen, John, New York.
 Ewing, Hampton D., New York.
 Ewing, John G., New York.
 Ewing, Thomas, Jr., New York.
 Faber, Leander B., Jamaica.
 Fallows, Edward H., New York.
 Fearons, George H., New York.
 †Ferris, T. Harvey, Utica.
 Fettretch, Joseph, New York.
 Field, Frank Harvey, New York.
 Fiero, J. Newton, Albany.
 Finch, Edward R., New York.
 Findley, William L., New York.
 †Fish, Norman D., North Tonawanda.
 Fitch, Theodore (New York), Yonkers.
 Fixman, Ezekiel, New York.
 †Flanigan, Eugene D., Albany.
 Fleischmann, Simon, Buffalo.
 †Flemming, H. H., Kingston.
 Fordham, Herbert L., New York.
 †Forster, Henry A., New York.
 Foster, Roger, New York.
 †Fowler, Everett, Kingston.
 Fox, Austen G., New York.
 Frank, Adam, New York.
 †Frankfurter, Felix (Washington, D. C.), New York.
 †Franklin, Benjamin, New York.
 Franklin, Ruford, New York.
 Fraser, George C., New York.
 Freedman, John J., New York.
 †Frisbee, Ernest L., Buffalo.
 †Fuller, Charles A., Sherburne.
 Fuller, Paul, New York.
 †Fuller, Thomas Staples, New York.
 Fuller, Williamson W., New York.
 Gaillard, Wm. D., New York.
 Gale, Noel, New York.
 Gallert, David J., New York.
 Galston, Clarence G., New York.
 Gans, Howard S., New York.
 †Gardner, Elisha W., Canandaigua.
 Gardner, John M., New York.
 Garver, John A., New York.
 †Gavin, Michael, 2d, New York.
 Geller, Frederick, New York.
 Gerard, James W., New York.
 Gerry, Elbridge T., New York.
 Gibbs, Clinton B., Buffalo.
 Gifford, James M., New York.
 Gifford, Livingstone, New York.
 Gillen, William W., Jamaica.
 Gilpin, C. Monteith, New York.
 Gleason, John H., Albany.
 Glenn, Garrard, New York.
 Glynn, Martin H., Albany.
 †Goldman, Julius, New York.
 Goldman, Samuel P., New York.
 Goodelle, William P., Syracuse.
 †Goodhue, Isaac W., New York.
 Gordon, Gordon, New York.
 Gram, Jesse P., New York.
 †Gray, Henry G., New York.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Greeley, William B., New York.
 Gregory, Henry E., New York.
 †Gridley, John T., Candor.
 †Grimes, Robert H., New York.
 †Grossman, Moses H., New York.
 †Grossman, William, New York.
 †Gruber, Abraham, New York.
 Guthrie, William D., New York.
 Hagar, Albert Francis, New York.
 Hand, Richard L., Elizabethtown.
 Hanford, Solomon, New York.
 Hannsmann, Carl A., New York.
 †Hardy, Charles J., New York.
 Hare, Montgomery, New York.
 Harris, Albert H., New York.
 †Harrison, Robert L., New York.
 †Haskell, Reuben L., Brooklyn.
 †Haskin, Lincoln B., Hempstead.
 Hatch, Edward W., New York.
 Hatt, Samuel S., Albany.
 †Havens, James S., Rochester.
 †Haviland, C. Augustus, Brooklyn.
 Hawes, Gilbert Ray, New York.
 †Hawkins, Ralph J., Patchogue.
 Hay, Eugene G. (Minneapolis, Minn.),
 New York.
 Hayes, Alfred, Jr., Ithaca.
 Hayward, Harry Woodford, New York.
 †Hazelton, Dallas M., Gouverneur.
 Healey, Robert E., Plattsburgh.
 Hedges, Job E., New York.
 Hemmens, Henry J., New York.
 Hessberg, Albert, Albany.
 Hill, Henry W., Buffalo.
 †Hines, Walker D., New York.
 Hirschberg, Henry, New York.
 †Hitchcock, Arthur H., Jamestown.
 †Hitchings, Hector M., New York.
 †Hobbs, Elon S., New York.
 Hodge, J. Aspinwall, New York.
 †Hodges, Frank B., Syracuse.
 Holcomb, Alfred E., New York.
 †Holmes, Delevan A., New York.
 †Holmes, George, New York.
 Homes, Henry F., New York.
 Hornblower, William B., New York.
 Hotchkiss, William Horace (Albany),
 Buffalo.
 †Hough, Charles M., New York.
 †Howard, Archibald, Binghamton.
 Hubbard, Thomas H., New York.
 Hudson, James A., New York.

Hughes, Charles E. (Washington,
 D. C.), New York.
 †Humes, Augustine L., New York.
 Humphrey, Burt Jay, Jamaica.
 †Hurd, George F., New York.
 Ingalsbe, Grenville M., Hudson Falls.
 Irvine, Frank, Ithaca.
 Isaacs, Lewis M., New York.
 Jacobson, Isaac W., New York.
 Jellinek, Edward L., Buffalo.
 †Jessup, Henry Wynans, New York.
 Johnson, Edwin J., New York.
 Johnson, H. Linsly, New York.
 Johnston, Thomas J., New York.
 Joline, Adrian H., New York.
 †Judge, John E., Plattsburgh.
 †Judson, Charles N., New York.
 †Judson, George D., Lockport.
 †Kahn, Louis L., New York.
 Kalish, Edwin L., New York.
 †Kane, Michael N., Warwick.
 †Keenan, Thomas J., Binghamton.
 Keener, Wm. A., New York.
 Kellogg, Joseph A., Glens Falls.
 Kellogg, L. Laflin, New York.
 †Kelly, James A., New York.
 †Kempner, Otto, Brooklyn.
 Kendall, Messmore, New York.
 Kenna, Edward D. (Chicago, Ill.), New
 York.
 Kenneson, Thaddeus Davis, New York.
 Kenney, Martin G., New York.
 †Kent, Ralph S., Buffalo.
 Kenyon, Alan D., New York.
 Kenyon, Robert Nelson, New York.
 Kenyon, William H., New York.
 Kerr, Thomas B., New York.
 †Kidder, Camillus G., New York.
 Kiddle, Alfred W., New York.
 †Kiendl, Theodore, Brooklyn.
 †Kilsheimer, James B., New York.
 King, David Bennett, New York.
 †King, Louis M., Schenectady.
 Kirchwey, George W., New York.
 Kirlin, J. Parker, New York.
 Kirtland, Michel, New York.
 †Klein, Henry, Kingston.
 Kling, Joseph, New York.
 Knauth, Antonio, New York.
 Kneeland, Andrew Delos, New York.
 Knox, John Mason, New York.
 Krauthoff, Lewis C., New York.

† Elected by Executive Committee between meetings, 1910-11

‡ Elected by Association at annual meeting, 1911.

Kremer, Eugene G., New York.
 †Kuhn, John J., Brooklyn.
 †Kursheedt, Manuel A., New York.
 †Landale, Russell H., New York.
 †Lande, Louis, New York.
 Lauterbach, Edward, New York.
 Lawson, Joseph A., Albany.
 †Lawyer, George, Albany.
 Leavitt, John Brooks, New York.
 †Lee, David E., Norwich.
 †Leffingwell, Russell C., New York.
 Lehmaier, James S., New York.
 †Leo, Leopold, New York.
 Lester, George B., New York.
 †Levi, Joseph C., New York.
 Levis, Howard C. (London, England),
 Schenectady.
 Levy, Joseph L., New York.
 Liebmann, Walter H., New York.
 Lindsay, John D., New York.
 Littlefield, Charles E., New York.
 Lockwood, Benoni, New York.
 †Loewy, Benno, New York.
 †Lovell, Herbert M., Elmira.
 Lovett, Robert S., New York.
 †Lustgarten, William, New York.
 †Lynn, John D., Rochester.
 †Lynn, Wauhope, New York.
 †Maass, Herbert H., New York.
 Macdonald, Eugene Spencer, New York.
 Mack, William, New York.
 †Mackenzie, Kenneth K., New York.
 †Magavern, William J., Buffalo.
 †Mandeville, H. C., Elmira.
 †Marshall, James Markham, New York.
 Marshall, Louis, New York.
 Martin, William J., New York.
 Martin, William Parmenter, New York.
 †Mason, Herbert Delavan, New York.
 Mastick, Seabury C., New York.
 Mather, Robert, New York.
 Mathewson, Charles F., New York.
 †Meeker, Rollin W., Binghamton.
 †Mehan, William A., Ballston Spa.
 Mellen, Chase, New York.
 Merchant, Henry D., New York.
 †Meyer, Walter E., New York.
 Meyers, Sidney S., New York.
 Milburn, John G., New York.
 Miller, Hugh Gordon, New York.
 Miller, William W., New York.
 Milnor, M., Cleiland, New York.

Minton, Francis L., New York.
 †Mitchell, Joseph V., New York.
 †Mitchell, Robert Chamberlain, New
 York.
 Moffat, R. Burnham, New York.
 †Montgomery, Wm. S., New York.
 †Monteith, George E., Brushton.
 †Mooney, Edmund L., New York.
 Moore, John Bassett, New York.
 Moot, Adelbert, Buffalo.
 • Morgan, George Wilson, New York.
 †Morris, Heman W., Rochester.
 Morris, Robert C., New York.
 Morrow, Dwight W., New York.
 Morschauser, Joseph, Poughkeepsie.
 Morse, Waldo G., New York.
 Morton, Henry Samuel, New York.
 †Mosher, Lewis E., Elmira.
 Moss, Frank, New York.
 †Moss, Roswell R., Elmira.
 †Muhlfelder, David, Albany.
 Mullin, Francis B., Brooklyn.
 Murray, A. Gordon, New York.
 Murtha, Thomas F., New York.
 Myers, Nathaniel, New York.
 McCall, Edward E., New York.
 †McCarthy, Charles T., Glen Cove.
 McClure, David, New York.
 McCombs, William F., New York.
 McCook, John J., New York.
 McCook, Philip James, New York.
 McCrary, A. J., Binghamton.
 †McCulloh, Allan, New York.
 McElheny, Victor K., Jr., New York.
 McGuire, Horace, Rochester.
 McIlvaine, Tompkins, New York.
 McIntosh, James H., New York.
 †McIntyre, John F., New York.
 †McKelvey, Charles W., New York.
 †McKenna, Thomas P., New York.
 McKinney, William M., Northport.
 McLean, Donald, New York.
 †McMahon, Fulton, New York.
 †McMahon, John D., Rome.
 †McManus, Terence J., New York.
 McNulty, William D., New York.
 • McReynolds, James C., New York.
 McWilliams, Howard, New York.
 Nathan, Edgar J., New York.
 †Nathan, Harold, New York.
 Naumburg, Bernard, New York.
 †Near, Irvin W., Hornell.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

†Nellis, Andrew J., Albany.
 Nichols, George L., New York.
 Nicholson, John, New York.
 Nicoll, DeLancey, New York.
 Noble, Daniel, Jamaica.
 Noble, Herbert, New York.
 †Norton, Porter, Buffalo.
 †Norwood, Carlisle, New York.
 †Nottingham, Edwin, Syracuse.
 †Nottingham, Wm., Syracuse.
 Oakes, Charles, New York.
 O'Brien, Edward D., New York.
 O'Brien, Morgan J., New York.
 †O'Connor, Keyran J., New York.
 †Oeland, Isaac R., Brooklyn.
 †O'Gorman, James A., New York.
 Olcott, J. Van Vechten, New York.
 Opdyke, Alfred, New York.
 Opdyke, William S., New York.
 †O'Sullivan, Wm. J., New York.
 Ottinger, Nathan, New York.
 †Page, William H., New York.
 †Parker, Junius, New York.
 Parish, Edward C., New York.
 Parker, Alton B., New York.
 Parker, Winthrop, New York.
 Parkinson, Thomas I. (Philadelphia, Pa.), New York.
 Parmly, Randolph, New York.
 Parsons, Hinsdill, New York.
 Parsons, John E., New York.
 Patterson, Daniel W., New York.
 Paulding, Charles C., New York.
 Pegram, Henry, New York.
 †Pendleton, Francis Key, New York.
 Petty, Robert D., New York.
 Philipp, Moritz Bernard, New York.
 Phillips, Lewis S., New York.
 †Pickett, William P., Brooklyn.
 †Pierce, Charles L., Rochester.
 Pierce, Winslow S., New York.
 Place, Ira A., New York.
 †Platt, Frank H., New York.
 Pollak, Francis D., New York.
 Porter, Louis H., New York.
 Potter, Frederick, New York.
 †Potts, Joseph, New York.
 †Pound, Cuthbert W., Lockport.
 †Powell, Omar, New York.
 †Pratt, Charles A. B., New York.
 Prentice, E. Parmalee, New York.
 †Prentice, William P., New York.

Prime, Ralph E., Yonkers.
 Prindle, Edwin J., New York.
 Proskauer, Joseph M., New York.
 Purdy, Lawson, New York.
 Purrington, William Archer, New York.
 Putnam, Harrington, Brooklyn.
 Quackenbush, James L., New York.
 Quinn, John, New York.
 †Rafferty, William F., Syracuse.
 Rand, William, Jr., New York.
 Randolph, Stuart F., New York.
 †Raymond, Walter B., New York.
 †Read, William T., New York.
 Redding, Joseph D., New York.
 Redding, William A., New York.
 Redfield, Henry S., New York.
 †Redington, Lyman W., New York.
 Reeves, Alfred G., New York.
 Rich, Burdett A., Rochester.
 Riker, Samuel, New York.
 †Riker, Samuel, Jr., New York.
 †Roberts, Jos. Banks, New York.
 †Rockwood, Nash, Saratoga Springs.
 Rodenbeck, Adolph J., Rochester.
 Roe, Gilbert E., New York.
 †Roe, William, Wolcott.
 Rogers, Hubert E., New York.
 Rogers, L. Harding, Jr., New York.
 †Rogers, Noah Cornwell, New York.
 Ronan, Edward D., Albany.
 Rooney, John Jerome, New York.
 Root, Elihu (Washington, D. C.), New York.
 Rosbrook, Alden I., Northport.
 Rosenberg, James N., New York.
 †Rosendale, Simon W., Albany.
 Rounds, Arthur C., New York.
 Rowe, William V., New York.
 †Rowland, Arthur, Yonkers.
 Rowlette, Thomas M., New York.
 †Rubino, Henry A., New York.
 Rudd, William Platt, Albany.
 Rush, Thomas E., New York.
 Russell, Isaac F., New York.
 Russell, William Hepburn, New York.
 †Rutherford, Harry V., New York.
 Sackett, Henry W., New York.
 Sage, Dean, New York.
 Sanborn, Frederick H., New York.
 †Sanford, Charles M., Smithtown Branch.
 Sanford, Ferdinand V., Warwick.
 Scallon, William, New York.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

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|---|------------------------------------|
| †Scharps, Albert T., New York. | Sutro, Theodore, New York. |
| †Schurman, Geo. W., New York. | †Sutton, Simon, New York. |
| Schurz, Carl L., New York. | †Symmers, James Keith, New York. |
| Scott, Henry W., New York. | †Taft, Henry W., New York. |
| Scott, James L., Saratoga Springs. | Taggart, W. Rush, New York. |
| †Scovell, J. Boardman, Niagara Falls. | †Talcott, Charles A., Utica. |
| †Seabury, William M., New York. | Tanzer, Lawrence Arnold, New York. |
| †Sears, Hector, Gardiner. | Tappan, J. B. Coles, New York. |
| Seiple, Oliver C., New York. | †Taylor, Benjamin, Port Chester. |
| Sexton, Lawrence E., New York. | †Taylor, Francis B., Hempstead. |
| Sexton, Pliny T., Palmyra. | Taylor, Howard, New York. |
| Seymour, Henry H., Buffalo. | Taylor, John Robert, New York. |
| Seymour, Origen Storrs, New York. | Taylor, Walter F., New York. |
| †Shaw, Frank W., Patchogue. | Teller, John D., Auburn. |
| †Shcarn, Clarence J., New York. | †Templeton, Richard H., Buffalo. |
| Sheehan, William F., New York. | Terry, Charles Thaddeus, New York. |
| Sheldon, Edward W., New York. | Thacher, Archibald G., New York. |
| †Shenstone, Archibald C., New York. | Thacher, Thomas, New York. |
| Shepard, Edward M., New York. | †Thompson, A. O. N., Middletown. |
| †Sherman, P. Tecumseh, New York. | †Thompson, David A., Albany. |
| †Sherrill, Charles Hitchcock, New York. | Thorne, Samuel, Jr., New York. |
| †Shipman, Andrew J., New York. | Tice, David, Lockport. |
| †Shire, Moses, Buffalo. | †Tinklepaugh, George S., Palmyra. |
| Shoemaker, Herbert Brodish, New York. | Tompkins, Hamilton B., New York. |
| †Sitterly, Jere. S., Fonda. | †Towne, Charles A., New York. |
| †Slade, John A., Saratoga Springs. | †Towns, Mirabeau L., New York. |
| †Smith, A. Page, Albany. | †Tracey, James F., Albany. |
| Smith, Frank Sullivan, New York. | Tracy, Benjamin F., New York. |
| Smith, Nathaniel Stevens, New York. | †Treadwell, Leman B., New York. |
| Smith, Nelson, New York. | Trenholm, Frank, New York. |
| †Sonnenberg, Louis M., New York. | Turrell, Edgar A., New York. |
| †Spellissy, Denis A., New York. | †Untermeyer, Samuel, New York. |
| †Spellman, Benjamin F., New York. | Van Allen, John W., Buffalo. |
| †Spencer, Frederick G., Fulton. | Vanamee, William, Newburgh. |
| †Spencer, Nelson E., Rochester. | Van Etten, John G., Kingston. |
| Spiegelberg, Eugene E., New York. | †Van Iderstine, Robert, New York. |
| Spooner, John C., New York. | Van Sinderen, Howard, New York. |
| †Sprague, Rufus W., Jr., New York. | Van Slyck, George W., New York. |
| †Stagg, Charles Tracey, Ithaca. | †Varian, Alfred Wright, New York. |
| Stetson, Francis Lynde, New York. | Vieu, Henry A., New York. |
| †Steuart, James L., New York. | Villard, Harold G., New York. |
| Stevens, Frederick W., New York. | †Vorhaus, Louis J., New York. |
| Stier, Joseph F., New York. | Wadhams, Frederick E., Albany. |
| Stoddard, John M., New York. | †Wagner, Franklin Allan, New York. |
| †Stolz, Benjamin, Syracuse. | Waldo, George E., New York. |
| †Stone, Harlan F., New York. | Walker, Albert H., New York. |
| Strauss, Charles, New York. | Walsh, Arthur R., Albany. |
| Sturges, Ralph A., New York. | †Walton, Charles W., Kingston. |
| Suggett, John W., Cortland. | †Walton, Robert Kelsey, New York. |
| †Sullivan, William H., Rochester. | †Ward, H. Judd, Troy. |
| Sumerwell, E. K., New York. | Ward, Hamilton, Buffalo. |
| Sumner, Edward A., New York. | Ward, Henry Galbraith, New York. |

† Elected by Executive Committee between meetings, 1910-11.

† Elected by Association at annual meeting, 1911.

Ward, Henry M., New York.
 †Warfield, F. P., New York.
 Warner, John DeWitt, New York.
 Waters, Louis L., Syracuse.
 Watson, Archibald Robinson, New York.
 Webb, Willoughby Lane, New York.
 †Weil, Arnold Charles, New York.
 Wells, T. Tileston, New York.
 †Wemple, William L., New York.
 Wensley, Robert L., New York.
 †Werner, Charles H., New York.
 †Wesselman, Henry B., New York.
 †Westwood, Herman J., Fredonia.
 Wetmore, Edmund, New York.
 Whalen, John, New York.
 Wheeler, Everett P., New York.
 †Whitehouse, Samuel S., New York.
 †Whitford, Daniel, New York.
 Whitlock, Victor E., New York.
 Whitman, Malcolm D. (Boston, Mass.), New York.
 Whittlesey, Granville, New York.
 Wickersham, George W. (Washington, D. C.), New York.
 Wierum, Otto C., Jr., New York.
 Wilcox, Ansley, Buffalo.
 Wilder, William Royal, New York.
 Willcox, Orlando B., New York.
 Williams, Frank B., New York.
 Williams, Henry Davison, New York.
 †Wing, Arthur K., New York.
 Wing, Henry T., New York.
 Winslow, William Beverly, New York.
 †Wise, Henry A., New York.
 †Wise, Henry M., New York.
 Wise, Edmond E., New York.
 Wollman, Henry, New York.
 †Woodford, Stewart L., New York.
 Woodruff, Edwin H., Ithaca.
 †Worcester, Edwin D., New York.
 Work, James Henry, New York.
 †Wright, Arthur, New York.
 Wright, Boardman, New York.
 †Wyckoff, J. Edwards, New York.
 †Young, Charles H., New York.
 †Young, Eugene N. L., Long Island City.
 †Young, Thomas, Huntington.
 †Zabriskie, George, New York.

NORTH CAROLINA.

†Adams, Junius G., Asheville.
 †Alexander, Joseph E., Winston-Salem.

†Allen, Murray, Raleigh.
 Andrews, Alexander Boyd, Jr., Raleigh.
 †Beall, Thomas Settle, Greensboro.
 †Bernard, Silas G., Asheville.
 Biggs, J. Crawford, Durham.
 †Bourne, Louis M., Asheville.
 †Bradshaw, George Sam., Greensboro.
 Bridgers, John L., Tarboro.
 Brooks, Aubrey L., Greensboro.
 Buxton, John Cameron, Winston-Salem.
 Bynum, William P., Greensboro.
 Clement, L. H., Salisbury.
 Connor, Henry G., Wilson.
 Davidson, Theodore F., Asheville.
 †Davis, Junius, Wilmington.
 Davis, Thomas W., Wilmington.
 Douglas, Robert M., Greensboro.
 †Ferguson, Garland S., Greensboro.
 †Gulon, Owen H., New Bern.
 †Guthrie, William A., Durham.
 †Hendren, W. M., Winston-Salem.
 †Hicks, Thurston T., Henderson.
 †Johnston, Fred S., Franklin.
 Manly, Clement, Winston-Salem.
 †Manning, James S., Durham.
 †Martin, Julius C., Asheville.
 Meares, Iredelle, Wilmington.
 Merrick, Duff, Asheville.
 Moore, Charles A., Asheville.
 †Murphy, James Dixon, Asheville.
 †Pace, William Heck, Raleigh.
 Parker, Haywood, Asheville.
 Patterson, Lindsay, Winston-Salem.
 Preston, Edmund R., Charlotte.
 Pruden, William D., Edenton.
 Raper, Emery E., Lexington.
 Rollins, Thomas Scott, Asheville.
 †Rose, Charles G., Fayetteville.
 Rountree, George, Wilmington.
 †Sinclair, Neil A., Fayetteville.
 †Skinner, Harry, Greenville.
 †Spence, Union L., Carthage.
 Stern, David P., Greensboro.
 †Stevens, Henry L., Warsaw.
 †Tillett, Charles W., Charlotte.
 Townes, William A., Wilmington.
 Walker, Platt D., Raleigh.
 Wildes, Charles D., Raleigh.
 †Wilson, John N., Greensboro.
 †Winston, R. W., Raleigh.
 †Woodard, Fred A., Wilson.
 †Zollicoffer, A. C., Henderson.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

NORTH DAKOTA.

Ames, F. W., Mayville.
 Amidon, Charles F., Fargo.
 Austin, James M., Ellendale.
 Bangs, George A., Grand Forks.
 Bangs, Tracy R., Grand Forks.
 †Birdzell, Luther E., Grand Forks.
 †Bosard, Robert H., Minot.
 Bronson, Harrison A., Grand Forks.
 Bruce, Andrew A., Grand Forks.
 †Chatfield, Mark M., Minot.
 Conklin, Marion, Jamestown.
 Divet, A. G., Wahpeton.
 Ellsworth, S. E., Jamestown.
 †Hildredth, Melvin A., Fargo.
 Knauf, John, Jamestown.
 †Martineau, Laumat L., St. John.
 †Montgomery, J. A., Fargo.
 Murphy, Charles J., Grand Forks.
 †McGee, George A., Minot.
 †Palda, L. J., Jr., Minot.
 Pollock, Robert M., Fargo.
 †Purcell, Wm. E., Wahpeton.
 †Radcliffe, Samuel, Larimore.
 Skulason, B. G., Grand Forks.
 Spalding, Burleigh Folsom, Fargo.
 Turner, Harry R., Fargo.
 Wineman, Jacob B., Grand Forks.
 Winterer, Herman, Valley City.
 Young, Newton C., Fargo.

OHIO.

Arnold, Harry B., Columbus.
 Bettman, Alfred, Cincinnati.
 Billingsley, N. B., Lisbon.
 †Boyd, James Harrington, Toledo.
 Brady, P. J., Cleveland.
 Burket, Harlan F., Findlay.
 Bushnell, T. H., Cleveland.
 †Cable, D. J., Lima.
 Cannon, Austin V., Cleveland.
 Cist, Edgar Wilson, Cincinnati.
 Clarke, John H., Cleveland.
 Colston, Edward, Cincinnati.
 Cook, E. S., Cleveland.
 Couse, Howard A., Cleveland.
 Cushing, William E., Cleveland.
 Day, William R. (Washington, D. C.),
 Canton.
 Dempsey, James H., Cleveland.
 †Denman, U. G., Toledo.

Doyle, John H., Toledo.
 Durban, Frank A., Zanesville.
 †Dickson, William L., Cincinnati.
 †Fenning, Karl, Cleveland.
 Ferris, Aaron A., Cincinnati.
 †Flory, Walter L., Cleveland.
 Follett, Alfred Dewey, Marietta.
 Freiberg, A. Julius, Cincinnati.
 Fuller, Clifford W., Cleveland.
 Garfield, James R., Cleveland.
 Geddes, Frederick L., Toledo.
 Goulder, Harvey D., Cleveland.
 Granger, Moses M., Zanesville.
 Grant, Richard F., Cleveland.
 Greve, Charles Theodore, Cincinnati.
 Hadden, Alexander, Cleveland.
 †Hall, Almon, Toledo.
 Harmon, Judson, Cincinnati.
 Harper, Jacob Chandler, Cincinnati.
 Henderson, John M., Cleveland.
 Hinea, Clark B., Bellville.
 Hoadly, George, Cincinnati.
 Hoffheimer, Harry M., Cincinnati.
 Hogsett, Thomas H., Cleveland.
 Hollister, Thomas, Cincinnati.
 Howland, Paul, Cleveland.
 Hoyt, James H., Cleveland.
 Hunt, Charles J., Cincinnati.
 †James, Eldon R., Cincinnati.
 James, Benjamin F., Bowling Green.
 James, Francis B., Cincinnati.
 Jelke, Ferdinand, Jr., Cincinnati.
 Johnson, Homer H., Cleveland.
 Johnson, Sineon M., Cincinnati.
 †Johnson, Thomas Lynn, Cleveland.
 Jones, Asahel W., Burg Hill.
 Jones, Rankin D., Cincinnati.
 Kennon, Newell K., St. Clairsville.
 Kibler, Edward, Newark.
 King, Edmund B., Sandusky.
 King, Robert J., Zanesville.
 †Kinney, Guy W., Toledo.
 Kline, Virgil P., Cleveland.
 Knight, Walter A., Cincinnati.
 Mackoy, Harry Brent, Cincinnati.
 Mackoy, Wm. H., Cincinnati.
 †Marshall, Edwin J., Toledo.
 Matthews, C. Bentley, Cincinnati.
 Matthews, Mortimer, Cincinnati.
 Maxwell, Lawrence, Cincinnati.
 Morton, Elbert C., Columbus.
 McCarthy, M. B., Toledo.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

McMahon, J. Sprigg, Dayton.
 †Newbegin, Henry, Defiance.
 Norris, Myron A., Youngstown.
 ‡Outcalt, Dudley C., Cincinnati.
 Peck, Hiram D., Cincinnati.
 Pomerene, Atlee, Canton.
 †Potter, Emery D., Toledo.
 Quail, Frank A., Cleveland.
 Ranney, Henry C., Cleveland.
 Rightmire, George W., Columbus.
 Robertson, C. D., Cincinnati.
 †Robeson, Andrew C., Greenville.
 Rogers, William P., Cincinnati.
 Saltzgaber, Gaylord M., Van Wert.
 Sanders, W. B., Cleveland.
 Saylor, John Riner, Cincinnati.
 Scott, Samuel Parsons, Hillsboro.
 Smedes, John Marshall, Cincinnati.
 Smith, Rufus B., Cincinnati.
 Southworth, Constant, Cincinnati.
 Squire, Andrew, Cleveland.
 Stewart, Gilbert H., Columbus.
 Stoebr, Oscar, Cincinnati.
 Stricker, Sidney G., Cincinnati.
 Strong, Edward W., Cincinnati.
 Taft, Frederick L., Cleveland.
 Taft, William H. (Washington, D. C.),
 Cincinnati.
 Taylor, Jonathan, Akron.
 Thraves, Meade G., Fremont.
 Tolles, Sheldon H., Cleveland.
 VanDeman, John N., Dayton.
 Vorys, Arthur I., Columbus.
 Warrington, John W., Cincinnati.
 Wheeler, Seth S., Lima.
 Worthington, William, Cincinnati.
 Young, George R., Dayton.

OKLAHOMA.

Ames, Charles B., Oklahoma City.
 Bierer, A. G. Curtin, Guthrie.
 Bledsoe, S. T., Guthrie.
 †Bunn, Clinton O., Oklahoma City.
 Burwell, Benjamin F., Oklahoma City.
 †Carmichael, J. D., Chickasha.
 †Cottingham, J. R., Oklahoma City.
 Davenport, James S., Vinita.
 †Du Mars, John E., Oklahoma City.
 Fechheimer, Charles M., Chickasha.
 †Forrest, Randolph B., El Reno.
 †Furry, J. B., Muskogee.
 †Galbraith, Clinton A., Ada.

Guerrier, S., McAlester.
 Harris, S. H., Oklahoma City.
 Jackson, Clifford L., Muskogee.
 †Jackson, R. E., Salisaw.
 Kane, Matthew J., Guthrie.
 Keaton, J. R., Oklahoma City.
 Kornegay, W. H., Vinita.
 Ledbetter, Walter A., Oklahoma City.
 Matthews, William M., Okmulgee.
 Mosier, John H., Muskogee.
 Murphy, George A., Muskogee.
 †McDougal, D. A., Sapulpa.
 Ralls, Joseph G., Atoka.
 Ramsey, George S., Muskogee.
 †Rittenhouse, George B., Chandler.
 †Rowland, Lloyd A., Barthsville.
 Shear, B. D., Oklahoma City.
 Tolbert, James R., Hobart.
 †Veasey, James A., Bartlesville.
 Wells, Frank, Oklahoma City.
 West, Preston C., Muskogee.
 †Wilson, W. F., Oklahoma City.
 Womack, T. J., Alva.
 Wrightsman, Charles J., Tulsa.

OREGON.

Bean, Robert S., Portland.
 Bernstein, Alexander, Portland.
 †Bristol, William C., Portland.
 Carey, Charles H., Portland.
 Chamberlain, George E., Portland.
 †Clark, Alfred E., Portland.
 Cohen, D. Solis, Portland.
 Cohen, Max G., Portland.
 †Cotton, W. W., Portland.
 Dillard, Wm. B., St. Helen.
 Duniway, Ralph R., Portland.
 Eakin, Robert, Salem.
 Gantenbein, Calvin U., Portland.
 Gearin, John M., Portland.
 Geisler, T. J., Portland.
 Gleason, James, Portland.
 Greene, Thomas G., Portland.
 Hayter, Oscar, Dallas.
 Henderson, John Leland, Hood River.
 Herz, Philip, Portland.
 Hill, Samuel, Portland.
 Holman, Frederick V., Portland.
 Kerr, James B., Portland.
 King, Will R., Salem.
 La Roche, Walter P., Portland.
 Linthicum, S. B., Portland.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Minor, Wirt, Portland.
 Montague, Richard W., Portland.
 Moore, F. A., Salem.
 Morrow, Robert G., Portland.
 Muir, William T., Portland.
 Mulkey, Frederick W., Portland.
 McNary, John H., Salem.
 Schnabel, Charles J., Portland.
 Smith, Isham, N., Portland.
 Smith, Milton W., Portland.
 Teal, Joseph N., Portland.
 Tift, Arthur P., Portland.
 Van Zante, John, Portland.
 Webster, Lionel R., Portland.
 Wolverton, Charles E., Portland.
 Wood, C. E. S., Portland.

PENNSYLVANIA.

Abbott, Edwin M., Philadelphia.
 Alexander, Benjamin, Philadelphia.
 Alexander, Lucien H., Philadelphia.
 Allen, William Harrison, Warren.
 †Amram, David Werner, Philadelphia.
 Anderson, William Y. C., Philadelphia.
 Baer, George F., Reading.
 †Bailey, Charles L., Jr., Harrisburg.
 Barnes, John Hampton, Philadelphia.
 Bayard, James Wilson, Philadelphia.
 †Beal, James H., Pittsburgh.
 †Bedford, George R., Wilkes Barre.
 Bedford, J. Claude, Philadelphia.
 Beeber, Dimmer, Philadelphia.
 Bell, John C., Philadelphia.
 Bertollette, Frederick, Mauch Chunk.
 Biddle, Charles, Philadelphia.
 Binney, Charles Chauncey, Philadelphia.
 Blakeley, William A., Pittsburgh.
 Blanchard, John, Bellefonte.
 †Bland, Henry Willis, Reading.
 Bohlen, Francis H., Philadelphia.
 †Bracken, Francis B., Philadelphia.
 Brown, Francis Shunk, Philadelphia.
 Brown, J. Hay, Lancaster.
 Brown, John A., Philadelphia.
 Brown, John Douglass, Philadelphia.
 Budd, Henry, Philadelphia.
 Burnett, William H., Philadelphia.
 Cadwalader, John, Philadelphia.
 Carson, Hampton L., Philadelphia.
 Chambers, Francis T., Philadelphia.
 Chapman, S. Spencer, Philadelphia.
 Clement, Charles M., Sunbury.
 Colahan, John Barry, Jr., Philadelphia.
 †Cooper, Samuel W., Philadelphia.
 Crocker, William D., Williamsport.
 Cuyler, Thomas DeWitt, Philadelphia.
 Dana, Samuel W., New Castle.
 Dickson, Samuel, Philadelphia.
 Duane, Russell, Philadelphia.
 †Edmonds, Franklin S., Philadelphia.
 Elliot, Frank S., Philadelphia.
 Endlich, Gustav A., Reading.
 Esling, Henry C., Philadelphia.
 Ewing, Nathaniel, Uniontown.
 Farquhar, Guy E., Pottsville.
 Fenton, Hector T., Philadelphia.
 Fisher, William Righter, Philadelphia.
 Flaherty, James A., Philadelphia.
 †Flowers, George W., Pittsburgh.
 Fox, Edward J., Easton.
 Fraley, Joseph C., Philadelphia.
 Fredericks, John T., Williamsport.
 Futrell, William H., Philadelphia.
 Gates, Thomas S., Philadelphia.
 Gest, John Marshall, Philadelphia.
 Gilbert, Lyman D., Harrisburg.
 †Gill, Henry Sterling, Greensburg.
 Glasgow, William A., Jr., Philadelphia.
 Graham, George S., Philadelphia.
 Gray, James C., Pittsburgh.
 Griffith, Warren G., Philadelphia.
 Guthrie, George W., Pittsburgh.
 Hagan, Alonzo C., Uniontown.
 Hall, William M., Pittsburgh.
 Hamblen, Lynne Ayres, Ridgway.
 †Hanna, Meredith, Philadelphia.
 Hargest, William M., Harrisburg.
 Harrity, William F., Philadelphia.
 †Hayes, William M., West Chester.
 Hazzard, Vernon, Monongahela.
 Hemphill, Joseph, West Chester.
 Henderson, George, Philadelphia.
 Hendry, John Burke (London, Eng.), Philadelphia.
 Hensel, W. U., Lancaster.
 †Hertzog, D. M., Uniontown.
 Hewitt, Luther E., Philadelphia.
 †Hicks, Thomas M. B., Williamsport.
 Hiester, Isaac, Reading.
 Hopwood, R. F., Uniontown.
 Howson, Charles, Philadelphia.
 Hunter, Ernest Howard, Philadelphia.
 Jayne, H. LaBarre, Philadelphia.
 †Jeffries, George B., Uniontown.
 Jenks, Robert D., Philadelphia.
 Jones, J. Levering, Philadelphia.

† Elected by Executive Committee between meetings, 1910-11.

- Jones, Richmond L., Reading.
 Kane, Francis Fisher, Philadelphia.
 Kay, James I., Pittsburgh.
 †Kefover, Charles F., Uniontown.
 Knight, Harry S., Sunbury.
 Knox, Philander C. (Washington, D. C.), Pittsburgh.
 †Lackey, Thomas S., Uniontown.
 Lamberton, James M., Harrisburg.
 Landis, Charles I., Lancaster.
 Leaming, Thomas, Philadelphia.
 Leonard, Frederick M., Philadelphia.
 Lewis, Francis D., Philadelphia.
 †Lewis, George Calvert, Pittsburgh.
 Lewis, John F., Philadelphia.
 Lewis, W. Draper, Philadelphia.
 Lindsey, Edward, Warren.
 Linn, William B., Philadelphia.
 Lloyd, Malcolm, Jr., Philadelphia.
 †Long, Howard Marshall, Philadelphia.
 Lyon, Walter, Pittsburgh.
 MacEldowney, William A., Philadelphia.
 Maffett, James T., Clarion.
 Martin, J. Willis, Philadelphia.
 Mercur, Rodney A., Towanda.
 Mervine, Nicholas P., Altoona.
 Mestrezat, S. Leslie, Uniontown.
 Mikell, William E., Philadelphia.
 Miller, E. Spencer, Philadelphia.
 Miner, Sidney R., Wilkes Barre.
 Moorhead, Forest G., Beaver.
 Morgan, Charles E., Jr., Philadelphia.
 Morgan, Randal, Philadelphia.
 Morris, Roland S., Philadelphia.
 Munson, C. LaRue, Williamsport.
 †McClay, Samuel, Pittsburgh.
 McClintock, Andrew H., Wilkes Barre.
 McClung, Wm. H., Pittsburgh.
 McClure, Harold M., Lewisburg.
 †McCouch, H. Gordon, Philadelphia.
 †McKeehan, Joseph P., Carlisle.
 Neilson, William D., Philadelphia.
 Nichols, H. S. P., Philadelphia.
 Niles, Henry C., York.
 O'Connor, Francis J., Johnstown.
 Olmsted, Marlin E., Harrisburg.
 Page, Howard Wurts, Philadelphia.
 Page, S. Davis, Philadelphia.
 Palmer, Henry W., Wilkes Barre.
 Patterson, George S., Philadelphia.
 Patterson, Roswell H., Scranton.
 Patterson, T. Elliott, Philadelphia.
 Patterson, Thomas, Pittsburgh.
 Pennypacker, Charles H., West Chester.
 Pennypacker, Samuel W., Schwenksville.
 Pepper, George Wharton, Philadelphia.
 Pettit, Horace, Philadelphia.
 †Phillips, Alfred Ingersoll, Philadelphia.
 Playford, R. W., Uniontown.
 Porter, William D., Pittsburgh.
 Prichard, Frank P., Philadelphia.
 Prince, Leon C., Carlisle.
 Ralston, Robert, Philadelphia.
 Rawle, Francis, Philadelphia.
 †Ream, William C., Lancaster.
 Reardon, John J., Williamsport.
 †Reed, David Aiken, Pittsburgh.
 †Reed, James H., Pittsburgh.
 Reid, Ambrose B., Pittsburgh.
 Rice, William E., Warren.
 †Richardson, E. Stanley, Philadelphia.
 Roberts, Owen J., Philadelphia.
 †Robinson, Harold L., Uniontown.
 †Robinson, V. Gilpin, Philadelphia.
 Rowe, Leo Stanton, Philadelphia.
 Ruhl, Christian H., Reading.
 Runk, Louis Barcroft, Philadelphia.
 Ryon, William W., Shamokin.
 Schaffer, William I., Chester.
 Schwartz, Sydney A., Titusville.
 Scoville, Samuel, Jr., Philadelphia.
 Seibert, William N., New Bloomfield.
 †Shaw, George E., Pittsburgh.
 Shick, Robert P., Philadelphia.
 Shields, James M., Pittsburgh.
 Shiras, George, Jr., (Washington, D. C.), Pittsburgh.
 Simpson, Alexander, Jr., Philadelphia.
 Smead, Alexander D. B., Carlisle.
 Smith, Alfred Percival, Philadelphia.
 Smith, Edwin W., Pittsburgh.
 Smith, Thomas Kilby, Philadelphia.
 Smith, Walter George, Philadelphia.
 Smithers, William W., Philadelphia.
 Snare, Jacob, Philadelphia.
 Snodgrass, Robert, Harrisburg.
 Staake, William H., Philadelphia.
 Steele, Henry J., Easton.
 Sterrett, James R., Pittsburgh.
 Stewart, William M., Jr., Philadelphia.
 Stewart, Russell C., Easton.
 Stewart, W. F. Bay, York.
 Stoeber, William C., Philadelphia.
 Stoughton, A. B., Philadelphia.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Stroh, Charles C., Harrisburg.
 †Sturgis, W. J., Uniontown.
 Sulzberger, Mayer, Philadelphia.
 Swartley, Francis K., Philadelphia.
 Swearingen, J. M., Pittsburgh.
 Synnestvedt, Paul, Pittsburgh.
 Taulane, Joseph H., Philadelphia.
 Taylor, Joseph T., Philadelphia.
 Thomas, Samuel Hinds, Philadelphia.
 Thompson, A. M., Pittsburgh.
 Todd, M. Hampton, Philadelphia.
 Townsend, Charles C., Philadelphia.
 Trickett, William, Carlisle.
 Turner, William Jay, Philadelphia.
 †Tustin, Ernest L., Philadelphia.
 Umbel, Robert E., Uniontown.
 †Vale, Ruby R., Philadelphia.
 †Van Dusen, Louis H., Philadelphia.
 Viti, Marcel A., Philadelphia.
 von Moschzisker, Robert, Philadelphia.
 †Wagner, George M., Philadelphia.
 Walton, Henry F., Philadelphia.
 Watson, David Thompson, Pittsburgh.
 Watterson, A. V. D., Pittsburgh.
 Way, William A., Pittsburgh.
 Weaver, John, Philadelphia.
 Weil, A. Leo, Pittsburgh.
 Weimer, Albert B., Philadelphia.
 †Wendt, John S., Pittsburgh.
 Wetherill, Charles, Philadelphia.
 Wetherill, John Lawrence, Philadelphia.
 Whitlock, Henry C., Philadelphia.
 Wilcox, William A., Scranton.
 Williams, Ira Jewell, Philadelphia.
 Williams, J. Henry, Philadelphia.
 Windle, William S., West Chester.
 Winternitz, Benjamin A., New Castle.
 Wintersteen, Abram H., Philadelphia.
 Wise, Jesse H., Pittsburgh.
 Woodruff, Clinton Rogers, Philadelphia.
 †Woodward, John Butler, Wilkes Barre.
 Work, James C., Uniontown.

PHILIPPINE ISLANDS.

†Bruce, Edward B., Manila.
 Elliott, Charles B., Manila.
 †Gilbert, Newton W., Manila.
 †Welch, Thomas Cary, Manila.
 Yancey, David Walker, Manila.

PORTO RICO.

†Diego, Jose de, Mayaguez.
 †Feliu, Leopoldo, Mayaguez.

†Mondragon, Miguel Guerra, San Juan.
 †Morales, Luis Munoz, San Juan.
 †Negroni, J. Salvador Amill, Mayaguez.
 †Pettinghill, N. B. K., San Juan.
 †Scoville, Hector H., San Juan.
 Serra, Manuel Rodriguez, San Juan.
 †Toro, Emilio del, San Juan.
 Usera, Jose Hernandez, San Juan.

RHODE ISLAND.

Aldrich, Clarence A., Providence.
 Angell, Walter F., Providence.
 Baker, Albert A., Providence.
 Baker, Darius, Newport.
 Ballou, Daniel R., Providence.
 Barney, Walter H., Providence.
 Barrows, Chester W., Providence.
 Bosworth, Orrin L., Bristol.
 †Bowen, Wm. M. P., Providence.
 †Brownell, Edward L., Providence.
 †Canning, John E., Providence.
 †Churchill, Alex. L., Providence.
 Colt, LeBaron B., Providence.
 Comstock, Richard B., Providence.
 Cram, Henry C., Providence.
 Curtis, Harry C., Providence.
 Eaton, Amasa M., Providence.
 Eaton, William D., Providence.
 Edwards, Seeber, Providence.
 †Edwards, Stephen O., Providence.
 Gardner, Rathbone, Providence.
 Greenough, William B., Providence.
 Heffernan, John J., Woonsocket.
 Higgins, James H., Providence.
 Hinckley, Frank L., Providence.
 Hogan, John W., Providence.
 Huddy, George H., Jr., Providence.
 Jenckes, Thomas A., Providence.
 Lee, Thomas Zanslaur, Providence.
 †Lewis, Nathan B., West Kingston.
 Littlefield, Nathan W., Providence.
 Lyman, Richard E., Providence.
 †Matteson, Archibald C., Providence.
 †Matteson, Charles, Providence.
 †Morgan, William A., Providence.
 †Mumford, Charles C., Providence.
 Murdock, John S., Providence.
 McCaffrey, Joseph J., Providence.
 McDonnell, Thomas F. I., Providence.
 †O'Shaunessy, George F., Providence.
 †Pirce, James Aldrich, Providence.
 Potter, Dexter B., Providence.
 Rich, William G., Woonsocket.

† Elected by Executive Committee between meetings, 1910-11.

†Sheffield, Wm. P., Newport.
 †Stiness, Edward C., Providence.
 †Thornley, William H., Providence.
 Thurston, Wilmarth H., Providence.
 Tillinghast, Frank W., Providence.
 Tillinghast, James, Providence.
 Tillinghast, William R., Providence.
 †Waterman, Lewis Anthony, Providence.
 Wilson, Charles A., Providence.
 Woods, John Carter Brown, Providence.

SOUTH CAROLINA.

†Allen, Thomas, Anderson.
 Barron, Charles H., Columbia.
 †Beattie, Fountain F., Greenville.
 †Benet, Christie, Columbia.
 †Bomar, Horace Leland, Spartanburg.
 †Bonham, Milledge L., Anderson.
 Buist, Henry, Charleston.
 †Clark, Washington, Columbia.
 †Earle, Claude B., Anderson.
 †Earle, Wilton H., Greenville.
 †Efrd, C. M., Lexington.
 †Evans, John Gray, Spartanburg.
 Fitz Simons, W. Huger, Charleston.
 Frierson, James Nelson, Columbia.
 †Frost, Frank Ravenel, Charleston.
 †Gibbes, Hunter A., Columbia.
 †Greene, William P., Abbeville.
 Hagood, Benjamin, Charleston.
 †Haynsworth, Henry J., Greenville.
 Herbert, R. Beverly, Columbia.
 Holman, W. A., Charleston.
 †Hunt, Walter H., Newberry.
 Hyde, Simeon, Charleston.
 †Jaynes, Robert T., Walhalla.
 †Lide, L. D., Marion.
 Lyles, William H., Columbia.
 Mordecai, T. Moultrie, Charleston.
 †Martin, Benjamin F., Anderson.
 †Mauldin, Oscar K., Greenville.
 Mower, George Sewall, Newberry.
 McMahon, John J., Columbia.
 †McSwain, J. J., Greenville.
 †Nelson, Patrick H., Columbia.
 †Nelson, William S., Columbia.
 Otts, James C., Spartanburg.
 †Quattlebaum, Julius W., Anderson.
 †Rice, Leon L., Anderson.
 †Robinson, David W., Columbia.
 †Simms, Charles Carroll, Barnwell.
 Sirrine, William G., Greenville.

Smythe, Augustine T., Charleston.
 Thomas, John P., Jr., Columbia.
 †Walker, Legare, Summerville.
 Watkins, Henry H., Anderson.
 †Wetmore, Silas MacBee, Spartanburg.
 Willcox, P. Alstin, Florence.
 †Woods, Charles Albert, Marion.

SOUTH DAKOTA.

Aikens, Frank R., Sioux Falls.
 Bailey, Charles O., Sioux Falls.
 †Brown, Charles W., Rapid City.
 Cherry, U. S. G., Sioux Falls.
 Crawford, Coe I., Huron.
 †Crawford, D. A., De Smet.
 †Fairbank, Arthur B., Huron.
 †Gaffy, Loring E., Pierre.
 †Gardner, A. K., Huron.
 George, James A., Deadwood.
 †Hanten, John B., Watertown.
 Issenhuth, William, Redfield.
 †Johnson, Royal C., Highmore.
 †Kellar, Chambers, Lead City.
 Lawson, James Marshall, Aberdeen.
 †Mason, Norman T., Deadwood.
 Payne, Jason E., Vermillion.
 Porter, William Gove, Sioux Falls.
 Rice, William G., Deadwood.
 †Sherwood, Carl G., Clark.
 Sterling, Thomas, Vermillion.
 Taylor, Alva E., Huron.
 Teigen, Tore, Sioux Falls.
 Voorhees, John H., Sioux Falls.
 Wagner, E. E., Mitchell.
 Whiting, Charles S., Pierre.

TENNESSEE.

Acklen, J. H., Nashville.
 †Allison, John, Nashville.
 Anderson, Harry Bennett, Memphis.
 Andrews, Champe S., Chattanooga.
 Banks, Lemuel, Memphis.
 Barthell, Edward E., Nashville.
 Barton, R. M., Jr., Memphis.
 Bass, Frank M., Nashville.
 Baxter, E. J., Jonesboro.
 Baxter, Schloss D., Nashville.
 Bearden, Walter S., Shelbyville.
 Bell, B. D., Gallatin.
 Benson, J. O., Chattanooga.
 Biggs, Albert W., Memphis.
 †Bond, Chester G., Jackson.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

- Boyd, Clarence T., Nashville.
 Brock, Lee, Nashville.
 Brown, Foster V., Chattanooga.
 †Bryan, Charles M., Memphis.
 Buchanan, A. S., Memphis.
 Buntin, W. Allison, Nashville.
 Burch, Charles N., Memphis.
 Cain, Stith M., Nashville.
 Caldwell, Waller C., Trenton.
 Cameron, Robert Thomas, Chattanooga.
 Camp, E. C., Knoxville.
 Campbell, Lemuel R., Nashville.
 †Canada, J. W., Memphis.
 †Cantrell, John H., Chattanooga.
 Carroll, William H., Memphis.
 Cates, Charles T., Jr., Knoxville.
 Chambliss, Alexander W., Chattanooga.
 Chamlee, Geo. W., Chattanooga.
 Coleman, Lewis Minor, Chattanooga.
 Cooke, Robert B., Chattanooga.
 Cooper, William Thomas, Chattanooga.
 Cox, James B., Knoxville.
 Donaldson, William Jay, Knoxville.
 Eddington, T. B., Memphis.
 Evans, Charles R., Chattanooga.
 Farley, John W., Memphis.
 Fisher, Hubert Frederick, Memphis.
 Fitzhugh, G. T., Memphis.
 Fletcher, John Storrs, Chattanooga.
 Frantz, John Henry, Knoxville.
 Frazier, J. B., Chattanooga.
 Frierson, William L., Chattanooga.
 Gaines, Albert W., Chattanooga.
 Garner, C. H., Tracy City.
 Gerding, George F., Knoxville.
 †Granberry, William L., Nashville.
 Grayson, D. L., Chattanooga.
 Green, John W., Knoxville.
 Hall, Allen G., Nashville.
 Handly, Avery, Nashville.
 Harrison, C. Raleigh, Knoxville.
 Harwood, Thomas E., Trenton.
 †Howell, R. Boyle O., Nashville.
 Hughes, Allen, Memphis.
 Hughes, George T., Columbia.
 Ingersoll, Henry H., Knoxville.
 Keeble, John B., Nashville.
 Lancaster, George D., Chattanooga.
 Lea, Luke, Nashville.
 Lea, Overton, Nashville.
 Lillard, J. W., Decatur.
 Littleton, Jesse M., Winchester.
 Lucky, Cornelius E., Knoxville.
 Lynch, J. J., Chattanooga.
 Maddin, Percy D., Nashville.
 Malone, Thomas H., Jr., Nashville.
 Martin, Francis, Chattanooga.
 Mayfield, J. E., Cleveland.
 Maynard, James, Jr., Knoxville.
 Metcalf, Charles W., Memphis.
 Metcalf, William P., Memphis.
 Miller, Charles A., Bolivar.
 Miller, W. B., Chattanooga.
 Minor, H. Dent, Memphis.
 †Moore, Felix W., Union City.
 †Moore, Samuel E. N., Johnson City.
 Mountcastle, R. E. L., Knoxville.
 McNutt, John F., Rockwood.
 McTeer, Will A., Maryville.
 Neil, M. M., Trenton.
 †Newman, Claire B., Jackson.
 Osborne, A. L., Bristol.
 Owens, William A., La Follette.
 Percy, William A., Memphis.
 †Phelan, Patrick Henry, Jr., Memphis.
 Pilcher, James Stuart, Nashville.
 Pitts, John A., Nashville.
 Powell, George M., Johnson City.
 Powell, J. Norment, Johnson City.
 Rankin, Charles W., Chattanooga.
 St. John, Charles J., Bristol.
 Sanborn, R. H., Knoxville.
 Sanford, Edward T., Knoxville.
 Sansom, Richard H., Knoxville.
 Savage, Michael, Clarksville.
 Scott, Alexander Y., Memphis.
 Seay, Edward T., Nashville.
 Shelton, H. H., Bristol.
 Smith, Charles H., Knoxville.
 Smith, Gilmer P., Memphis.
 Smith, Henry E., Nashville.
 Smith, John L., Cleveland.
 Smith, Robert T., Nashville.
 Smith, Samuel Bosworth, Chattanooga.
 Smith, Wm. T., Chattanooga.
 Spears, W. D., Chattanooga.
 Steen, J. M., Memphis.
 Stewart, T. Lawrence, Jasper.
 Stokes, Gordon, Nashville.
 Stout, J. W., Cumberland City.
 Strang, S. Bartow, Chattanooga.
 Swaney, W. B., Chattanooga.
 Tate, Hugh M., Knoxville.
 Thomas, W. G. M., Chattanooga.
 Tillman, A. M., Nashville.
 Tillman, George N., Nashville.

† Elected by Executive Committee between meetings, 1910-11.

Trimble, James M., Chattanooga.
 Turney, John E., Nashville.
 Tyne, Thomas J., Nashville.
 Van Deventer, Horace, Knoxville.
 Vaughn, Robert, Nashville.
 Vertress, John J., Nashville.
 Waller, Claude, Nashville.
 White, George Thomas, Chattanooga.
 Williams, Joe V., Chattanooga.
 Williams, Samuel C., Johnson City.
 Williamson, W. H., Nashville.
 Wilson, Julian C., Memphis.
 Wright, James B., Knoxville.
 Young, David K., Clinton.
 †Young, J. P., Memphis.

TEXAS.

Autry, James L., Houston.
 †Baker, James A., Houston.
 Bartholomew, William T., San Angelo.
 Burges, William H., El Paso.
 Carter, H. C., San Antonio.
 Coke, Henry C., Dallas.
 †Crook, W. M., Beaumont.
 †Davis, John, Dallas.
 Dyer, John L., El Paso.
 Edwards, Peyton F., El Paso.
 Glass, Hiram, Austin.
 Hume, F. Charles, Jr., Houston.
 Keller, C. A., San Antonio.
 Miller, T. S., Dallas.
 McClendon, James W., Austin.
 McCormick, Joseph Manson, Dallas.
 McLaurin, Lauch, Austin.
 Phillips, Nelson, Dallas.
 Pollard, Claude, Kingsville.
 Potter, C. C., Gainesville.
 Samuels, Sidney L., Fort Worth.
 Saner, Robert E. Lee, Dallas.
 Sanford, Allan D., Waco.
 Searcy, William W., Brenham.
 †Smithdeal, C. M., Hillsboro.
 Spoons, M. A., Fort Worth.
 Street, Robert G., Galveston.
 †Tarlton, B. D., Austin.
 Terry, J. W., Galveston.
 Townes, John C., Austin.
 Woods, J. H., Corsicana.

UTAH.

†Barrette, William J., Salt Lake City.
 Critchlow, Edward B., Salt Lake City.

Gibson, George J., Salt Lake City.
 †Hollingsworth, Charles R., Ogden.
 Kinney, Clesson S., Salt Lake City.
 †McCrea, Wm. M., Salt Lake City.
 Parsons, Charles C., Salt Lake City.
 †Powers, O. W., Salt Lake City.
 Smith, George H., Salt Lake City.
 Snyder, Wilson I., Salt Lake City.
 †Story, William, Salt Lake City.
 †Van Cott, Waldemar, Salt Lake City.
 Varian, Charles S., Salt Lake City.
 †Whitecotton, J. W. N., Provo.
 Williams, P. L., Salt Lake City.
 †Wilson, Mahlen E., Salt Lake City.

VERMONT.

Barber, Orion M., Bennington.
 †Batchelder, Wallace, Bethel.
 Butler, Frederick M., Rutland.
 †Miles, Willard W., Barton.
 McCullough, John G., No. Bennington.
 Prouty, Charles A. (Washington, D. C.),
 Newport.
 Robb, Charles H. (Washington, D. C.),
 Bellows Falls.
 †Sargent, John G., Ludlow.
 Taft, Elihu B., Burlington.
 †Webber, Marvelle C., Rutland.
 †Young, George B., Newport.

VIRGINIA.

Adams, Richard H. T., Jr., Lynchburg.
 †Anderson, Henry W., Richmond.
 Barbour, John S., Fairfax.
 Braxton, A. C., Richmond.
 Bryan, George, Richmond.
 Bullitt, Joshua F., Big Stone Gap.
 Cabell, P. H. C., Richmond.
 Caton, James R., Alexandria.
 Christian, Frank P., Lynchburg.
 Cocke, Lucian H., Roanoke.
 Corbitt, James H., Suffolk.
 †Cox, William Ruffin, Richmond.
 †Crump, Beverly T., Richmond.
 Davis, Charles Hall, Petersburg.
 Davis, Richard B., Petersburg.
 Davis, Richard J., Portsmouth.
 Flood, H. D., Appomattox.
 †Fulton, Minitree Jones, Richmond.
 Garnett, Theodore S., Norfolk.
 Gilliam, Marshall M., Richmond.
 Graves, Charles A., Univ. of Va.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Gregory, George C., Richmond.
 Gregory, Roger, Elsing Green.
 Griffin, S., Bedford City.
 Grinnan, Daniel, Richmond.
 †Guigon, A. B., Richmond.
 †Gunn, Julien, Richmond.
 Hamilton, Alexander, Petersburg.
 †Harper, Fred, Lynchburg.
 Harrison, Randolph, Lynchburg.
 Hatton, Goodrich, Portsmouth.
 Heath, James Elliott, Norfolk.
 Hughes, Robert M., Norfolk.
 Hunton, Eppa, Jr., Richmond.
 Jenkins, John B., Norfolk.
 †Keith, J. A. C., Warrenton.
 Lewis, Lunsford L., Richmond.
 Lile, William Minor, University.
 Long, Armistead R., Lynchburg.
 †Loyall, W. H. T., Norfolk.
 Massie, Eugene C., Richmond.
 Meredith, Charles V., Richmond.
 Minor, Raleigh C., Charlottesville.
 Murrell, William M., Lynchburg.
 McHugh, Charles A., Roanoke.
 †Old, William W., Jr., Norfolk.
 Page, Rosewell, Richmond.
 Parrish, Robert L., Covington.
 Patterson, A. W., Richmond.
 Patteson, S. S. P., Richmond.
 Pickrell, John, Richmond.
 †Pollard, Henry R., Richmond.
 Prentis, Robert R., Suffolk.
 †Rodman, William Blount, Norfolk.
 †Rutherford, John, Richmond.
 Seaton, Emmett, Richmond.
 Shelton, Thomas Wall, Norfolk.
 Smith, Willis B., Richmond.
 Stern, Jo. Lane, Richmond.
 Tennant, W. Brydon, Richmond.
 Thomason, Edwin Brawne, Richmond.
 Tucker, Henry St. George, Lexington.
 †Tunstall, Robert B., Norfolk.
 Watts, Legh R., Portsmouth.
 †Wellford, Beverly Randolph, Richmond.
 †White, Benjamin D., Norfolk.
 †White, William Henry, Jr., Norfolk.
 Williams, E. Randolph, Richmond.
 †Williams, Wm. Leigh, Norfolk.
 †Wingfield, Gustavus A., Norfolk.
 Wysor, Joseph C., Pulaski City.
 Yarrell, Leonidas D., Emporia.

WASHINGTON.

Abbott, William H., Bellingham.
 Albertson, Robert B., Seattle.
 Albright, J. W., Seattle.
 Allison, William B., Seattle.
 Alston, Guy C., Everett.
 Ashton, James M., Tacoma.
 Avery, A. G., Spokane.
 Balliet, Andrew J., Seattle.
 Ballinger, Harry, Seattle.
 Ballinger, Richard A., Seattle.
 Barney, C. R., Seattle.
 Battle, Alfred, Seattle.
 Bausman, Frederick, Seattle.
 Bell, W. P., Everett.
 Blaine, Elbert F., Seattle.
 Bogle, W. H., Seattle.
 Boner, W. W., Aberdeen.
 Brandt, Emil J., Seattle.
 Bridgers, J. B., Aberdeen.
 Bronson, Ira, Seattle.
 Brooks, J. W., Walla Walla.
 Brown, Frederick V., Seattle.
 Bryson, Herbert C., Walla Walla.
 Bunn, John Marshall, Spokane.
 Burke, Thomas, Seattle.
 Byers, Alpheus, Seattle.
 Calhoun, Scott, Seattle.
 Callahan, James P. H., Hoquiam.
 Canfield, H. W., Spokane.
 Cannon, E. J., Spokane.
 Carr, E. M., Seattle.
 Carver, F. J., Seattle.
 Chadwick, Stephen J., Olympia.
 Chester, L. F., Spokane.
 Clifford, M. L., Tacoma.
 Cole, George B., Seattle.
 Coleman, J. A., Everett.
 Condon, John T., Seattle.
 Crow, Herman D., Olympia.
 †Culley, W. E., Spokane.
 †Danson, R. J., Spokane.
 Dawson, Wm. Sherman, Spokane.
 DeBruler, Ellis, Seattle.
 Delle, Lee C., North Yakima.
 De Steiguer, George E., Seattle.
 Dewart, Frederick W., Spokane.
 Donworth, George, Seattle.
 Dorr, Charles W., Seattle.
 Dovell, W. T., Seattle.
 Dudley, Frederick M., Seattle.
 Dunphy, W. H., Walla Walla.

† Elected by Executive Committee between meetings, 1910-11.

Edge, Lester P., Spokane.
 Edwards, Marion, Seattle.
 Emmons, Ralph W., Seattle.
 Englehart, Ira P., North Yakima.
 Evans, Marvin, Walla Walla.
 Everett, Willis Eugene, Tacoma.
 Farrell, C. H., Seattle.
 Faussett, R. J., Everett.
 Field, Heman H., Seattle.
 Flewelling, Albert L., Spokane.
 Folsom, Myron A., Spokane.
 Force, H. C., Seattle.
 Fulton, Walter S., Seattle.
 Garrecht, F. A., Walla Walla.
 Gaston, O. C., Everett.
 Goodner, Ivan W., Seattle.
 Gorham, William H., Seattle.
 Gose, C. C., Walla Walla.
 Gose, M. F., Olympia.
 Gose, T. P., Walla Walla.
 Granger, H. T., Seattle.
 Graves, Will G., Spokane.
 Greene, Roger S., Seattle.
 Greenman, F. W., Tacoma.
 Griggs, Herbert S., Tacoma.
 Grosscup, Benjamin S., Tacoma.
 Hadley, A. M., Bellingham.
 Hadley, Hiram E., Seattle.
 Hadley, Lin H., Bellingham.
 Halverstadt, Dallas V., Seattle.
 Hamblen, L. R., Spokane.
 Hanford, Cornelius H., Seattle.
 Happy, Cyrus, Spokane.
 Hartman, John P., Seattle.
 Hastings, H. H. A., Seattle.
 Heath, Sidney Moore, Hoquiam.
 Herr, Willis B., Seattle.
 Higgins, John C., Seattle.
 Hodgdon, C. W., Hoquiam.
 Howard, Clinton W., Bellingham.
 Howe, James B., Seattle.
 Hoyt, John P., Seattle.
 Hughes, E. C., Seattle.
 Hulbert, Robert A., Seattle.
 Humphries, John E., Seattle.
 Huneke, William A., Spokane.
 Husted, Earl W., Everett.
 Jones, Richard Saxc, Seattle.
 Keene, Walter A., Seattle.
 Keith, William C., Seattle.
 Kelleher, Daniel, Seattle.
 Kelleher, John, Seattle.
 Korte, George W., Seattle.

Lane, Warren D., Seattle.
 Levy, Aubrey, Seattle.
 Loveday, Walter, Tacoma.
 Ludden, William H., Spokane.
 Lueders, Henry W., Tacoma.
 Lund, Charles P., Spokane.
 Lund, R. H., Tacoma.
 Lung, Henry W., Seattle.
 Mackintosh, Kenneth, Seattle.
 Main, John F., Seattle.
 Mendenhall, Mark F., Spokane.
 Merritt, Seabury, Spokane.
 Miller, Charles E., South Bend.
 † Miller, Fred, Spokane.
 Mitchell, John R., Olympia.
 Morgan, Frank L., Hoquiam.
 Morrison, Samuel, Seattle.
 Munday, Charles F., Seattle.
 Munn, George Ladd, Seattle.
 Murphy, James B., Seattle.
 Murray, Charles A., Tacoma.
 McClure, Henry F., Seattle.
 McClure, Walter A., Seattle.
 McClure, William E., Seattle.
 McCord, E. S., Seattle.
 McCroskery, R. L., Colfax.
 McDaniels, John H., Ellensburg.
 McMicken, Maurice, Seattle.
 McMillan, Raymond J., Tacoma.
 Newman, Thomas G., Bellingham.
 Norris, H. F., Tacoma.
 Nuzum, Richard W., Spokane.
 Oldham, Robert P., Seattle.
 O'Neill, Grosvenor P., Seattle.
 Parker, Emmett N., Olympia.
 Patterson, Charles E., Seattle.
 Paul, Timothy A., Walla Walla.
 Pedigo, John H., Walla Walla.
 Peters, W. A., Seattle.
 Peterson, Fred H., Seattle.
 Piles, Samuel H., Seattle.
 Poindexter, Miles, Spokane.
 Porter, Nathan Smith, Olympia.
 Post, Frank T., Spokane.
 Powell, John H., Seattle.
 Preston, Harold, Seattle.
 Ramsey, H. J., Seattle.
 Reid, George T., Tacoma.
 Reynolds, Allen H., Walla Walla.
 Rinehart, Wm. V., Jr., Seattle.
 Robb, Bamford A., Seattle.
 Roberts, John W., Seattle.
 Ronald, J. T., Seattle.

† Elected by Executive Committee between meetings, 1910-11.

Rupp, Otto B., Seattle.
 Savery, C. D., Tacoma.
 Shackelford, John A., Tacoma.
 Shaffer, C. Will, Olympia.
 Sharpstein, John L., Walla Walla.
 Shepard, Charles E., Seattle.
 Smith, Winfield R., Seattle.
 Snell, Marshall K., Tacoma.
 Snook, Herbert E., Seattle.
 Spooner, Charles P., Seattle.
 Stedman, Livingston B., Seattle.
 Stephens, H. M., Spokane.
 Sterne, Samuel R., Spokane.
 Stevenson, L. C., Tacoma.
 Tallman, Boyd J., Seattle.
 Tennant, Albert J., Seattle.
 Terhune, R. S., Seattle.
 Todd, Elmer E., Seattle.
 †Tolman, Warren W., Spokane.
 Totten, Wm. D., Seattle.
 Trefethen, D. B., Seattle.
 Trimble, William P., Seattle.
 Tucker, Wilmon, Seattle.
 Turner, George, Spokane.
 Turner, L. T., Seattle.
 Voorhees, Reese H., Spokane.
 Wakefield, William J. C., Spokane.
 Wilkinson, Adolphus C., North Yakima.
 Williams, James A., Spokane.
 Winders, C. H., Seattle.
 †Winfree, W. H., Spokane.
 Worden, Warren A., Tacoma.
 Wright, George E., Seattle.

WEST VIRGINIA.

†Allen, Guy R. C., Wheeling.
 Ambler, B. Mason, Parkersburg.
 †Anderson, Luther C., Welch.
 †Archer, Vachel B., Parkersburg.
 Brannon, W. W., Weston.
 Bratton, William A., Marlinton.
 †Chilton, Wm. Edwin, Charleston.
 †Clay, Buckner, Charleston.
 Cooper, John T., Parkersburg.
 Davis, Dabney C. T., Jr., Charleston.
 †Davis, Staige, Charleston.
 Dillon, C. W., Fayetteville.
 †Ewing, James W., Wheeling.
 Goodykoontz, Wells, Williamson.
 Higginbotham, C. C., Buckhannon.
 Hogg, Charles E., Morgantown.

‡Hubbard, Nelson C., Wheeling.
 Hubbard, William P., Wheeling.
 Hughes, William W., Welch.
 †Jeffords, Tracy L., Harpers Ferry.
 †Knight, Edward W., Charleston.
 Kreps, Charles A., Parkersburg.
 Merrick, Charles D., Parkersburg.
 Miller, William N., Parkersburg.
 Moats, Francis P., Parkersburg.
 Mollohan, Wesley, Charleston.
 †McCamic, Charles, Wheeling.
 †McDougle, Walter E., Parkersburg.
 †Osenton, C. W., Fayetteville.
 †Payne, James M., Charleston.
 †Payne, William D., Charleston.
 Price, George E., Charleston.
 †Ritz, Harold A., Bluefield.
 †Sanders, Joseph M., Bluefield.
 Smith, Harvey F., Clarksburg.
 †Sommerville, J. B., Wheeling.
 †Spilman, Robert S., Charleston.
 †Stokes, Wyndham, Welch.
 Strother, D. J. F., Welch.
 †Strother, James French, Welch.
 †Tavener, Lewis A., Parkersburg.
 Turner, Smith D., Parkersburg.
 Vandervort, James W., Parkersburg.
 Van Winkle, W. W., Parkersburg.
 †Watts, Cornelius C., Charleston.
 White, Robert, Wheeling.
 Willis, M. H., New Martinsville.
 Wolfe, William Henry, Parkersburg.

WISCONSIN.

‡Backus, Augustus C., Milwaukee.
 †Bagley, William R., Madison.
 Barber, Charles, Oshkosh.
 Bartlett, William Pitt, Eau Claire.
 †Bemis, Harry E., Milwaukee.
 †Bloodgood, Francis, Jr., Milwaukee.
 †Bohmrich, Louis G., Milwaukee.
 Brown, Neal, Wausau.
 †Butler, Harry L., Madison.
 Cary, Alfred L., Milwaukee.
 †Evans, Wm. L., Green Bay.
 †Fairchild, Arthur H., Milwaukee.
 Fairchild, Hiram O., Green Bay.
 Flanders, James G., Milwaukee.
 Frost, Edward W., Milwaukee.
 †Gauerke, John W., Green Bay.
 Gilmore, Eugene Allen, Madison.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by Association at annual meeting, 1911.

Gilson, Norman S., Fond du Lac.
 †Glicksman, Nathan, Milwaukee.
 †Goff, Guy D., Milwaukee.
 Grace, H. H., Superior.
 Greene, George G., Green Bay.
 †Hamilton, C. H., Milwaukee.
 †Hannan, Timothy J., Milwaukee.
 Hayes, William A., Milwaukee.
 †Henning, Edw. J., Milwaukee.
 Hurley, Michael A., Wausau.
 †Jackman, Ralph W., Madison.
 Jeffris, Malcolm G., Janesville.
 Jenkins, James G., Milwaukee.
 Jenkins, John J., Chippewa Falls.
 Jones, Burr W., Madison.
 Kerwin, J. C., Neenah.
 †Killilea, Henry J., Milwaukee.
 †Lines, George, Milwaukee.
 Lorenzen, Ernest G. (New York, N. Y.),
 Madison.
 Ludwig, John C., Milwaukee.
 Lueck, Martin L., Juneau.
 †Mallory, Rollin B., Milwaukee.
 Malone, James E., Juneau.
 †Manson, Lester C., Milwaukee.
 †Matheson, Alexander E., Janesville.
 †Maxon, Glenway, Milwaukee.
 †McGoeck, Arthur N., West Allis.
 Miller, Benjamin K., Milwaukee.
 Miller, George P., Milwaukee.
 †Monroe, Charles E., Milwaukee.
 †Morton, George E., Milwaukee.
 †Monat, Malcolm O., Janesville.
 Murphy, John A., Superior.
 Nash, Lyman J., Manitowoc.
 †Nemmers, E. P., Milwaukee.
 †Neville, Arthur Couretnay, Green Bay.
 †Nolan, Thomas S., Janesville.
 †North, Jerome Reynolds, Green Bay.
 Ogden, Lewis M., Milwaukee.
 †Olin, John M., Madison.
 Orton, Philo A., Darlington.
 †Parker, Barton L., Green Bay.
 Pereles, Thomas Jefferson, Milwaukee.

†Perry, Chas. Bennett, Milwaukee.
 †Poss, Benjamin, Milwaukee.
 Quarles, Joseph V. (Washington, D. C.),
 Milwaukee.
 Richards, Harry S., Madison.
 †Richmond, T. C., Madison.
 Riordan, Daniel E., Ashland.
 Sanborn, A. L., Madison.
 Sanborn, John Bell, Madison.
 †Schubring, E. J. B., Madison.
 Seaman, William H., Sheboygan.
 Stafford, W. H., Chippewa Falls.
 †Sutherland, George G., Janesville.
 †Swan, George Brewster, Beaver Dam.
 †Swansen, Sam T., Madison.
 †Tarrant, Warren D., Milwaukee.
 †Tibbs, William L., Milwaukee.
 †Timlin, Wm. H., Milwaukee.
 Turner, William J., Milwaukee.
 †Umbreit, A. C., Milwaukee.
 Van Dyke, George D., Milwaukee.
 Van Dyke, William D., Milwaukee.
 †Walker, William A., Jr., Milwaukee.
 †Whitehead, John M., Janesville.
 Wigman, J. H. M., Green Bay.
 †Wild, Robert, Milwaukee.
 Winkler, Frederick C., Milwaukee.
 †Wood, Sterling M., Milwaukee.

WYOMING.

†Brimmer, George E., Rawlins.
 Brown, Melville C., Laramie.
 Burdick, Charles W., Cheyenne.
 Burke, Timothy F., Cheyenne.
 Clark, Gibson, Cheyenne.
 Cortbell, Nellis E., Laramie.
 †Greenfield, N. R., Rawlins.
 †Kline, M. A., Cheyenne.
 Lacey, John W., Cheyenne.
 †Lonabaugh, E. E., Sheridan.
 Mullen, William E., Cheyenne.
 Potter, Charles N., Cheyenne.
 Van Devanter, Willis (Wash., D. C.),
 Cheyenne.

† Elected by Executive Committee between meetings, 1910-11.

‡ Elected by General Council at annual meeting, 1911.

RECAPITULATION

State.	No. of Members.	State.	No. of Members.
Alabama	47	Montana	25
Alaska Territory	1	Nebraska	73
Arizona Territory	13	Nevada	3
Arkansas	70	New Hampshire	22
California	54	New Jersey	59
Colorado	111	New Mexico Territory	10
Connecticut	82	New York	732
Cuba	1	North Carolina	54
Delaware	10	North Dakota	29
District of Columbia	113	Ohio	106
England	1	Oklahoma	37
Florida	71	Oregon	42
France	1	Pennsylvania	231
Georgia	56	Philippine Islands	5
Hawaii Territory	13	Porto Rico	10
Idaho	31	Rhode Island	53
Illinois	266	South Carolina	47
Indiana	77	South Dakota	26
Iowa	66	Tennessee	136
Kansas	58	Texas	31
Kentucky	65	Utah	16
Louisiana	135	Vermont	11
Maine	102	Virginia	72
Maryland	106	Washington	190
Massachusetts	438	West Virginia	48
Mexico	2	Wisconsin	87
Michigan	122	Wyoming	13
Minnesota	193		
Mississippi	42		
Missouri	186		
		Total	4701

APPENDIX

ADDRESS OF THE PRESIDENT

EDGAR H. FARRAR
OF NEW ORLEANS, LOUISIANA

Gentlemen of the American Bar Association:

Since your last annual meeting the Sixty-first Congress of the United States held its second regular session, and the Sixty-second Congress was sitting in extra session when this report was written. It adjourned after the first draft of this address was in print.

The regular session has produced less than a dozen statutes of general importance. The most noteworthy of these is the new judicial code which abolishes the circuit courts, concentrates the *nisi prius* jurisdiction in the district courts, and revises, amends and re-enacts the statutes pertaining to the judiciary of the United States. A paper on this legislation by a learned ex-justice of the Supreme Court of the United States is part of the program of this meeting.

Another of these statutes provides for the purchase or erection in foreign countries of embassy, legation and consular buildings, at a maximum cost of \$150,000 each, so that hereafter the representatives abroad of the nation will be housed in a manner that comports with the dignity and power of the American people.

In another statute the honor and dignity of the nation is upheld in a humbler sphere at home by making it a misdemeanor for the proprietor or manager of any theatre, or place of public amusement, to make any discrimination against any person lawfully wearing the uniform of the United States in any military or naval branch of its service. The scope of this statute of course is confined to the District of Columbia, the territories and the insular possessions of the United States. New York and Pennsylvania, at the last session of their legislatures adopted a

similar statute, and the other states will doubtless follow in their wake.

The extra session passed the Canadian Reciprocity Act, the Apportionment Bill and a stringent statute requiring the publication of campaign contributions and expenses.

During a visit to Washington in February, I took up with Chief Justice White the question of appointing a committee to revise the rules of practice in equity in the Federal Courts, and learned that the court had already considered the matter and had determined to appoint such a committee. Before adjournment the committee was announced by the court consisting of the Chief Justice and Justices Lurton and Van Deventer. This committee has issued a circular letter, requesting assistance and suggestions from the members of the Bar, and it is to be hoped that this request will meet with a hearty response. The court has, under the statute, the fullest power to regulate the whole practice in equity; and we may therefore live in the just expectation that the labors of this committee of distinguished judges, aided by the whole Bar, will result in giving the country a system that will respond to the demand for reform in that important branch of legal procedure.

Forty-one states, two territories and three insular possessions have had legislative sessions this year, and in some of the states these sessions have been unusually prolonged. In Tennessee the session was interrupted by a legislative strike. Thirty-four members, enough to break the quorum, left the state and remained for a considerable time outside of her boundaries. The legislature of New York is now in recess, and the legislatures of Connecticut and Georgia are still in session.

As a result of all this legislative activity, more than nine thousand statutes have been added to the aggregate of the laws of our country. Most of them are local, trivial and formal. Those of them of general interest are set forth in the appendix. As an illustration of the manner in which all of this legislative activity is regarded, one of the Vice-Presidents, in making to me his report for his state, says, "Thank the Lord our Legislature did not meet this year."

However, there is one strident note of a new radicalism sounded in some of this legislation, which must not be passed unnoticed in an assemblage of lawyers. It comes from a territory seeking to become a state, and was immediately taken up by the great State of California. I refer to the recall of judges by popular vote. Arizona has put into her constitution a clause permitting the unseating of a judge by a vote of the people, and the legislature of California has proposed to the people of that state an amendment to her constitution containing a similar provision. The period of transmission of this virus from a territory to a state has been short. Whether the disease will progress further is to be seen.

It is difficult for one brought up in the traditions of our free American republics to find language properly to characterize this radical intrusion. If the judiciary of this country were in any material part corrupt, or if there were in our system of laws no effective means to remove corrupt or ignorant judges; or if the means provided had been appealed to in vain and could not be made operative, then there might be some excuse for a revolutionary measure of this character. But none of these things is true. The constitutions of the states provide the most ample machinery for the removal of judges, either by address out of office, or by impeachment. This power is put in the hands of the legislative branch of the government which derives its mandate at short intervals immediately from the people; and yet how seldom in the history of the Federal Government, and how seldom in the history of the forty-six states of this union, in spite of all the bitterness that enters into our politics, has the exercise of this power been even invoked? Is not this record of itself a tribute to the American Judiciary? Of course, from time to time there arise examples of the Homeric Thersites who attempt to besmirch the ermine worn by the greatest judges and the greatest courts. Without exception, however, their winged words have had but a short flight. The proposed measure would furnish a perpetual audience to men of this kind, and worst of all an audience with power to act. It is an assault on the citadel of law and order. It is an attempt to destroy the inde-

pendence of the judiciary, without which true liberty—the liberty which is regulated by law, enforced with reason and deliberation, cannot exist, and to substitute the opinion and the passions of the mob. It drags down the Goddess and sets the hydraheaded Demos on the throne of justice, and enables the ignorant suffragan to ostracise a judicial Aristides, because he is tired of hearing his judgments called just.

It will not be amiss to quote here the words of Chief Justice Marshall spoken in the Virginia Constitutional Convention in 1829. He said: "The Judicial Department comes home in its effects to every man's fireside. It passes on his property, his reputation, his life, his all. Is it not to the last degree important that a judge should be rendered perfectly and completely independent with nothing to control him but God and his conscience? I have always thought from my earliest youth till now that the greatest scourge an angry heaven ever inflicted upon an ungrateful and a *sinning* people was an ignorant, a corrupt or a *dependent* judiciary." The wise and brave words uttered by President Taft in his veto of the bill admitting Arizona into the Union will pass into the political classics of our country, and, if reason has not gone from the minds of the people, will act as a complete antidote to this new social poison.

It is more than probable that this proposed legislation is one of the symptoms of the political, social and economic unrest that pervades the whole nation. The burning question that now agitates the mind of the American people is how to control the corporations; how to break up those great aggregations which seem to be almost as powerful as the government itself, and how to prevent their formation in the future. These ends are sought both by radicals and conservatives. The radicals of course propose to destroy things generally, regardless of consequences, and one of them gnashes his teeth in the July North American Review because the Supreme Court of the United States extended the time within which the hundreds of millions of capital invested in the Standard Oil Company could be withdrawn without destruction from a combination condemned by the court. The conservatives read the signs of the times, realize the

danger of the growing excitement among the masses of the people, and are seeking an exit from the situation that will conserve political liberty and industrial prosperity.

The stock-corporation is now an absolutely essential piece of machinery in commerce. Without it the great affairs of modern times would not have been undertaken, and if undertaken would not have been accomplished. The outlet afforded by this means to the investment of private capital in great enterprises affected with a public interest, such as railroads, canals, insurance companies, etc., is regarded by some publicists as holding an intimate relation with our democratic system. Otherwise the necessities of society, subserved by these great enterprises, would have been ministered to by the State, and we should have had long ago in this country a state socialism or collectivism, that does not comport with the American idea of individual liberty. In this connection, the American Publicist, Ezra Seaman, said in 1864, that the great railroad and canal companies were the only means of preventing governmental occupation of these important enterprises and that, consequently, they ought to be regarded as bulwarks of liberty against the encroachments of arbitrary power and as security against revolution and anarchy.

A distinguished political economist has said that on the day when the transferable share of stock was invented, there began a real economic revolution. It was this device which gave liquidity to capital, and hence promoted the circulation of values, one of the greatest acknowledged causes of the increase of wealth. When this device was united to the conception of the civil law of a *corpus societatis*, a legal entity, a fictitious person, created by authority of the sovereign power, having its own existence, its own property, its own rights, powers and responsibilities, absolutely distinct from and independent of the existence, rights, powers and responsibilities of any or of all of its constituent members, there began the modern conception of a business corporation. The conception is completed by the addition of the limited liability of the stockholders.

The Italian tax-farmers of the 16th century were the first to use the stock-company with transferable shares. An analogous

system had been in use as early as the 14th century in respect to partnerships *in commendam*, and to the division of the interests in such partnerships in equal and transferable shares.

The charter of the East India Company in 1600 appears to be the first approach to this form of corporate organization used in England.

Two years later the Dutch India Company was created by Holland on the same basis; and shortly afterwards similar corporations were organized in France. It is to be noted that the stock corporation in those days was used only for the exploitation of great colonial enterprises, and the corporations created for these purposes were in the nature of public corporations. Two generations later, in 1664, maritime insurance companies were organized in France, and in 1694 the Bank of England obtained its first charter. Corporate development received a great shock in both England and France in the first quarter of the 18th century by the almost simultaneous growth and simultaneous bursting of the South Sea Bubble in England and Law's Mississippi Bubble in France. In England, during the South Sea excitement, there grew up a large number of unauthorized and what, from their objects and purposes, may be called fraudulent voluntary joint stock companies. This led to the prohibitory act of 1720, vulgarly known as the "Bubble Act," and although only a few corporations for business purposes had been created, or, as we should rather say, in view of their lack of authority, had been attempted to be created, by the colonial governments in America prior to 1741. In that year the provisions of the Act of 1720 were extended to the American Colonies. The effect of this act was to prevent legally all corporate development in the Colonies until after the revolution, and practically until after the adoption of the Constitution. The large commercial enterprises of colonial times were prosecuted by voluntary associations organized as stock companies, resembling in many respects the *commandae* originating in the Middle Ages.

Prior to 1850, the general statement holds true that the governments of the great commercial nations were chary of granting

corporate privileges for commercial purposes. These grants were usually conferred upon banks, insurance companies, railroads, canals, water-supply companies, gas companies, bridge and turnpike companies. There were a few mining and manufacturing companies. The general free incorporation law in England dates from 1856, in France from 1863 and in Germany from 1870. At that time, 1850, there were no general incorporation laws for purely private purposes in a large majority of the states then forming the American Union.

This reserve in regard to grants of corporate life and power was doubtless due to a prejudice, wide spread among the people, against the creation of such artificial persons in commerce. Whether there was an instinctive dread of such organizations, or whether this prejudice grew out of the fact that to the great trading companies organized in the 16th and 17th centuries were usually given monopolies or special and exclusive privileges which were abhorred by the public, is difficult now to determine. As early as 1688 the people of Massachusetts protested against the granting by the Crown of a charter incorporating a trading company with power to open mines in New England, and the ground of their objection was that any such charter tended to create a monopoly and enhance prices. In 1717 the law officers of the British Crown advised against the incorporation of a marine insurance company as a dangerous experiment; and it was only after evidence had been laid before the attorney-general three years later, showing that more than one hundred and fifty private insurers had failed, that the Act of 1720 incorporating two such companies was adopted. The second half of the very act incorporating these companies contains the prohibition against corporate organizations which have given that act the popular name of the "Bubble Act."

The same prejudice makes its appearance in the decree of the 20th Germinal of the Year II by the French Convention which prohibited the formation of stock companies by anybody or for any purpose whatever.

In spite of all the enormous corporate development that has taken place in this country and in England in the last half

century, and in spite of the reckless throwing down by the states of this Union of all the barriers anciently maintained against the indiscriminate organization of business corporations (on which I shall comment later), there has always been among the masses of the people a strong bias against corporations, manifesting itself in the verdicts of juries, and sometimes in the opinion of the courts. This bias has now passed over into politics, and the favorite ground of attack by the demagogue on anybody in public life, or on anyone who desires to enter public life, is that he represents corporate interests, or that he is a corporation lawyer.

By a short review of the corporation laws of this country I shall demonstrate that the people themselves are responsible for the conditions of which they now complain; that if there are Franksteins in corporate form stalking over the land, spreading terror and threatening destruction, the people themselves have created them by their duly accredited representatives in the legislatures of the states.

In forty states, corporations may be organized for any lawful business or purpose.

In forty-one states there is no superior limit on the capital stock of a corporation. In only eleven states is there an inferior limit ranging from \$1000 to \$10,000.

In twenty-four states perpetual charters are permitted, and in most of the others charters limited as to time may be renewed again and again.

In seventeen states the merger or consolidation of corporations is specially permitted. It is specially prohibited in only two states.

In nineteen states the power to hold stock in other corporations is broadly given. It is specially prohibited in only two, and given under restrictions in seven.

In thirty-nine states there is no provision that any part of the capital stock shall be paid in money, either before the corporation becomes a going concern, or at any period in its history. One state provides for the payment of \$1000 in money, three provide that ten per cent, one that twenty per cent, one that

twenty-five per cent and one that fifty per cent of the capital stock shall be so paid.

In thirty-eight states, by statute, and in three by jurisprudence, it is provided that stock may be issued for property, and in most of them for labor or services as well. In only fourteen states is the issue of fictitious stock declared void. In nine states the judgment of the board of directors as to the value of the property for which stock is issued is declared conclusive, except in case of actual fraud; but the stock is not declared void. In Montana any arbitrary value whatever may be placed on a mine for which stock is issued. In Iowa, Massachusetts, Texas and Virginia only is any state supervision exercised over the issuance of stock for property.

In twenty-one states corporate meetings may be held either within or without the state of incorporation.

Annual financial reports are required to be made to a state officer in eleven states. In eighteen states is required an annual report containing nothing but certain formal matters such as the name and domicile of the company, the names and residences of officers and the amount of capital stock.

In none of the states is any provision made against the same persons acting as directors in corporations of the same character and engaged in the same business.

In thirty-two states there are no provisions requiring any of the directors of a corporation to be residents of the creating state. Eleven states require one director, two states three directors and two states a majority of the directors to be residents of the state.

During the last ten years there seems to have been a competition between the states as to which of them would be able to invent and adopt the most unrestricted corporation laws. The spur to this competition has been a greed for revenue, and the encouragement lay in the success of the State of New Jersey, which was the pioneer in this legislation. Out of her bosom have come the great trusts, the holding companies and the gigantic monopolies, all with their water-logged capital stocks. But there are now eight other states prepared to compete with her in the launching of similar piratical craft upon the sea of commerce.

The corporation laws of the United States, for the incorporation of companies in the District of Columbia, and the National Banking laws contain many of the objectionable features of the state incorporation laws.

In the District of Columbia a corporation without limit as to capital stock, and without limit as to corporate existence, may be formed for any enterprise or business which may be lawfully conducted by an individual, except to buy, sell or deal in real estate. The power to consolidate with other companies is not given, and the holding of stock in other corporations is prohibited; and here too there is an absence of prohibition against the identity of directors or officers of corporations of the same character, and against the holding of their stocks by other corporations.

Under the National Banking laws there is no limit to the capital stock. Corporate life is for twenty years but may be renewed an indefinite number of times. National Banks cannot hold stock in other corporations, but there is no provision against other corporations holding stock in National Banks, and no provision against the identity of the directors in two or more banks. Merger or consolidation of banks is not provided for.

It thus appears that by the law of the land there stands prepared all the legal machinery apt to the hands of the unscrupulous to create combinations and monopoly, to concentrate wealth and power in a few hands, and to defraud the unthinking investor with wind-blown stock.

In New York, under whose laws a perpetual corporation with unlimited capital stock, with the power of merger, and with the power to hold stock in other corporations, can be formed for any lawful purpose or purposes, except to practice law, or to employ attorneys to perform legal services, they have begun to incorporate estates. If this is lawful there, it must also be lawful under the statutes of many other states whose laws are similar. Is not this a form of mortmain contrary to the fundamental principles of Anglo-Saxon government? How will it stand with the Republic in a generation from now if the estates of all the millionaires and multi-millionaires are perpetually incorporated?

In some of the agricultural states great planting companies are organized, which absorb farm after farm, until their land holdings approach a principality in extent. How can that firmest foundation of free government, a land-owning yeomanry, exist under such conditions? Down into the hearts of all English-speaking people have sunk the picture of "The Deserted Village" and the words of its author pronouncing accursed the land "where wealth accumulates and men decay."

Under the power to create corporations with unlimited capital stock, either directly or by consolidation, great aggregations of capital have been formed which have seized upon specific industries and driven everybody else out of them. They stand like armed colossuses astride the gateways of commerce and destroy every entrant who presumes to compete with them. They have no legal grant of monopoly, but monopoly comes to them by virtue of their size, organization and strength, just as surely as monopoly went to the East India Company by royal grant.

No honest wise man will enter into competition with them, and only the dishonest would-be-wise man attempts it sometimes, merely for purposes of blackmail. Which makes for the public good the more: To have employed in one industry in which capital and labor can be profitably invested, five hundred corporations with a capital of three millions each, or one corporation with a capital of fifteen hundred millions? The proposition is not discussable as long as our inherited ideals of what our democratic civil society is, or ought to be, remain unchanged.

Whether these enormous corporations are formed by original incorporation, or by consolidations or merger, or by the holding of the capital stocks of other corporations, the economic result is the same. Each of these forms spells practical monopoly. The result reached rather than the method of reaching the result is what concerns the public, and no amount of technical reasoning will convince the people that a monopoly produced by one of these methods is any different from a monopoly produced by any other of them. Hence all these large corporations are popularly regarded as public enemies, and there is a general belief that if the republic does not slay them, they will slay the republic.

We may almost say of them what Sir John Culpepper said in the Long Parliament of the monopolies of his time:

"They are a nest of wasps—a swarm of vermin which have overcrept the land. Like the frogs of Egypt they have gotten possession of our dwellings and we have scarce a room free from them: They sup in our cup; they dip in our dish; they sit by our fire. We find them in the dye-vat, wash-bowl and powdering-tub. They share with the butler in his box. They will not bate us a pin. We may not buy our clothes without their brokerage. These are the leeches that have sucked the commonwealth so hard that it is almost hectic."

The economic advantages, if any, that flow from these vast aggregations of capital, are drowned in the firm belief that they exercise too much political power, that they exercise such power selfishly and unscrupulously, that they bar the door to private enterprises, blight local industries, cramp the industrial freedom of individuals, destroy equality of opportunity and extinguish all hope and hence all ambition for industrial independence and autonomy. The law of the survival of the fittest is the Divine law of progress and development in nature. It is the law of human society, and particularly of trade and commerce, which makes modern society possible. Contest and conflict, the death of old and the birth of new forms are essential to the working of this law, and the predominance of any force in commerce operating to destroy the benign germs of commercial ferment, must exercise a deterrent effect on the growth and progress of any free people.

But the great American national disgrace is found in the issuance of fictitious or watered stock. This is made possible by those corporation laws which provide no governmental supervision over the organization of corporations, which require no part of the capital stock to be paid in money, and which permit the issuance of stock at the pleasure of the organizers and directors for property, labor and services at such valuations as they may choose to place on them. It is known that one of the earliest industrial combinations of thirty years ago issued to its promoters \$10,000,000 in stock for a patent which was not worth

a copper cent, and which was never used in the operations of the company. The revelations made by the Congressional probe now penetrating the history of two of the greatest industrial combinations of modern times are of the most unsavory nature. Indeed, I believe, it can be truthfully stated that, under the pretense of anticipating a future earning value, it is the fashion to insert from twenty to sixty per cent of water into the organization of all corporations whose stocks are exploited on the great financial markets. In the notorious Chicago & Alton Railroad deal, the Interstate Commerce Commission found that \$62,660,000 of stocks and securities were issued for which the corporation received no value whatever. The proportion of water in that case exceeded 54 per cent.

The lax corporation laws above enumerated give rise to a host of fraudulent corporations which are exploited through the mails and the various advertising media. The post office authorities are kept busy hunting down these swindles. They have duly attested charters, corporate seals, and handsomely engraved securities. If one should communicate with the public officials of the state of their domicile, the answer would be that such corporations are organized in due form of law with a named capital stock. No sworn public reports of these corporations being required, except in a few states, no information, as a rule, can be obtained of their condition. One reads with amazement of the objects and purposes of the fraudulent companies organized in England during the South Sea excitement, and of the gullibility of the subscribing public; but such things are going on in this country all the time. The last scheme unearthed is that of a million dollar company to manufacture and sell an anti-bug chalk, that is a chalk which will make a mark that no bug will crawl over. Wonderful new processes of manufacture and miraculous results to be produced by the mysterious power of electricity are the favorite bait used by the corporation fakirs to catch the gudgeon investor.

To my mind, the most vicious of all the provisions in the statutes above enumerated is that authorizing one corporation to own and vote stock in another. This provision is the mother

of the holding company and the trust. It provides a method for combining under one management and control corporations from one end of the nation to the other. Before these statutes were passed, the courts of the country had held with great unanimity that it is against public policy for one corporation to hold and vote stock in another, and the general ground of the doctrine is that such stockholding tends to restrain trade and to foster monopoly. That this doctrine is true has been demonstrated by the fact that most of the great trusts have clothed themselves in the form of holding companies.

One of the most remarkable of these stockholding statutes is that passed in the State of Utah in 1907, amending section 5 of chapter 26 of the laws of 1901, and giving to Utah railroad companies a power to acquire stock in other corporations so broad and unlimited that under it a Utah railroad company can acquire and control the stock of all transportation corporations by land, river, lake or sea in the United States, even down to the smallest tramway in a country village; of all terminals, wharves, docks or other shipping facilities; of all express companies; of all refrigerator lines and refrigerator plants; and of all corporations that manufacture, sell, lease or otherwise provide railroad equipment. The only limitation on this grant is that it shall not extend to the ownership of stock or securities of a parallel and competing line of railroad *situated within the State of Utah*. When one remembers that Utah is the domicile of the Union Pacific Railway Company, and that this statute was passed after that company had acquired large blocks of stock in eight of our great railroad systems, one immediately discerns in this legislation the lion's paw—the masterhand of the now-deceased president of that company.

As regards quasi-public corporations, which are under, or which can be put under strict governmental supervision and control, and whose rates can be regulated by law, the right to hold stock in other similar corporations does not lead to the same consequences as in industrial private corporations, which are exempt from any such regulation; and therefore these corporations require in this regard, a somewhat different treatment from industrial corporations.

It is no uncommon thing to see corporations organized under the laws of one state that do not operate in that state at all, that own their property, conduct their corporate business and hold their directors meetings in other states, and that have no connection with the state of their origin except perhaps to conduct an annual meeting of stockholders by proxy. There are hundreds of corporations of this sort in several of the states, particularly in New Jersey.

This is the result of those statutes which permit corporate meetings outside of the domicile of the corporations.

This power, coupled with the absence of prohibition of the same persons serving as directors in corporations of the same character engaged in the same business, and the absence of requirement that directors shall be residents of the state of a corporation's domicile, is just as effective to produce a trust or a combination in restraint of trade as a holding company.

The majority stockholders in many corporations in many states can combine expressly, or by what is called a gentlemen's agreement, and elect the same board of directors and the same officers in all the corporations. This board of directors can sit in some central city, and govern all the corporations as if they were one.

Of what avail will it be to break up the Standard Oil Company and the American Tobacco Company into their constituent elements, if all these constituent elements have identical stockholders, a community of interests, and the legal power to establish substantial identity of directors among them?

Each constituent will claim that it has selected from among its stockholders the most expert and experienced persons to manage its affairs, and that the selection of the same persons in all the corporations is a mere coincidence, resulting from the operation in each one of identically the same causes. Such a proposition is difficult to meet, and can only be overthrown by evidence to show that all of these elements are in fact acting in the same perfect harmony that characterized them when they were governed by the parent company. To prove this means other government suits and more years of litigation.

Is there a remedy for all these evils? Manifestly, there is, and it lies in the source from which the evils have sprung, that is, in modifying the corporation laws of the various states. Concerted action among the states will end all the trouble. If every state in the Union will purge its corporation laws of all objectionable features, then the breeding places of industrial monstrosities are destroyed. If every state under whose laws these monstrosities have been brought into being will exercise its reserved power over corporations and compel them either to conform to the new regime or to dissolve and liquidate, then the existing crop will be destroyed without hope of successors. The doctrine of *Dartmouth College vs. Woodward*, that a corporate charter is a contract, and cannot be repealed or substantially modified by the legislature without the consent of the corporation, has been rendered inapplicable in practically all the states by the reservation of the right of repeal or modification.

It appears to me that it would require but a small amount of constructive statesmanship to bring about a state conference and united action on this grave subject. Even if the Commission on Uniform State Laws, in whose work this Association takes such a large part, can ever agree on a uniform corporation law, it is doubtful whether it can exert the moral or the political power to get it adopted without such a conference among the states. This is work for the "House of Governors," which assembles this year on September 12.

Every state in this Union is sovereign in every respect except in so far as it has surrendered its sovereign powers to the Federal Government. Over its own domestic affairs, including all intrastate commerce, it has absolute power under the restrictions imposed in the Federal Constitution. A state may arbitrarily exclude from her domestic commerce every foreign corporation, and in the face of such a prohibition such foreign corporations cannot enter the borders of the state at all, except when in the conduct of interstate commerce, which is exclusively under the control and regulation of the Federal Congress, or except when in the employment of the Federal Government. Of course this power of exclusion does not extend to the National

Banking corporations or the Federal railroad corporations which are instrumentalities of the Federal Government. Corporations of the District of Columbia are in the states on the same footing as any other foreign corporation.

If, therefore, the character of the corporations engaged in interstate commerce is unobjectionable, there is no valid reason why they should not be permitted to engage freely in all the states in both interstate and intrastate commerce. These forms of commerce are in many instances so intimately connected and so intricately interwoven that it is extremely difficult to draw the line of demarcation where one begins and the other ends, and the advantages of commingling them are manifest. And yet these two branches of commerce are respectively under the control of two separate and distinct sovereign powers, neither of which can intrude upon the sphere of the other, and neither of which can surrender its power and jurisdiction to the other. The corporations of other states and of foreign countries are generally permitted to engage in intrastate commerce in all the states, and this under a rule of comity which is derived from international law, but, as stated above, it is one of those rules which each state may apply, or not, at her pleasure. Nothing would be more hostile to that fraternal feeling which ought to exist between the component parts of this "republic of republics"—"this indissoluble union of indestructible states"—and nothing more injurious from an economic point of view, than a general corporation war between the states by which each state would absolutely exclude all the corporations of the other states from all participation in intrastate commerce. Nothing will more surely tend to provoke such a war than for a number of states to maintain a system of corporation laws, under which a pestiferous swarm of criminal corporations will be continually precipitated into all the channels of trade. In the absence of a hotbed in which to grow these vicious forms, there is absolutely no need for the exercise of any regulative Federal action, further than to prohibit and to punish unlawful combinations between otherwise unobjectionable corporations in interstate and foreign commerce.

Under Section 10 of Art. I, of the Constitution of the United States, the states of the Union, with the consent of the Congress, can enter into any agreement or compact with each other not in contravention of the Constitution itself.

This important clause in the Constitution of our country has been seldom used. Omitting certain agreements as to boundaries, the only instance I now recall is one in the acts of the 61st Congress authorizing the states to enter into agreements or compacts to conserve forests and watersheds of navigable streams flowing through their borders. It may be used to round out and settle many questions of interstate character not confided to the Federal Government, such as drainage, irrigation, land reclamation, levee building, sewage disposition, the conservation of forests, and sanitary measures such as the elimination of the breeding places of disease-and-damage-producing insects and animals. By the wise and beneficent use of this clause will disappear that "sphere of twilight," that supposed "no-man's-land, free from any legislative control by State or nation," which the New Nationalism invites the Federal Government to invade and occupy.

The framers of the Constitution were no such bunglers as this doctrine implies. They wisely left the unlimited power of compact among themselves with the states, and still more wisely subjected such compacts to the consent of the Federal power.

An agreement or compact among the states on the subject of their respective corporations, with the consent of the Congress, if properly drawn, and if it contains the consent of each state to be sued by the citizens of the other states in respect to the provisions of the compact, would be enforceable in the Supreme Court of the United States.

With such consent, they can, for a limited period, if necessary, agree upon a uniform system of corporation laws in all the states, and can provide uniform rules, conditions, fees and penalties under which the corporations of one state could engage in the domestic commerce of all the other states.

If such an agreement were reached and put into operation for a limited time, my personal belief is that, inasmuch as such a

great proportion of the business of this country is now conducted by corporations, it would go so far toward increasing the community of interests and the fraternal spirit between the people of the states, so far towards promoting the increase of business and of wealth, and so far towards removing all fear of drastic Federal regulation, that it would be continued indefinitely and would become one of the settled principles of our national polity.

If, however, the jealousy and greed of individual states is such as to prevent any such compact, or to prevent the adoption of statutes in every state which will eliminate the objectionable features from their corporation laws, then there is no other remedy but the prohibition by the other states of the participation of dangerous corporations in intrastate commerce, and the prohibition by Congress of the participation of such corporations in interstate commerce, so that their operations will be rigidly confined to the states which create them. The Congress having the sole and exclusive power to regulate interstate and foreign commerce, it is its manifest duty, when the occasion arises, so to exercise its exclusive power as to impose restrictions which will prevent abuses of that unlimited freedom which the courts declare now exists; because the Congress, by its non-action has willed that such unlimited freedom shall be the rule of such commerce. As was said by the Supreme Court of the United States in *Crutcher vs. Kentucky* 141, U. S., p. 58. "The prerogative, the responsibility and the duty of providing for the security of the citizens of the United States in relation to foreign corporate bodies or foreign individuals with whom they may have relations of foreign commerce, belong to the Government of the United States and not to the governments of the several states; and confidence in that regard may be reposed in the national legislature without anxiety or apprehension, arising from the fact that the subject matter is not within the province or jurisdiction of the state legislatures. And the same thing is exactly true with regard to interstate commerce as it is with regard to foreign commerce."

Inasmuch as a corporation is not a citizen within the meaning of that clause of the Federal Constitution which declares that the

citizens of each state shall be entitled to all privileges and immunities of citizens in the several states, and inasmuch as a corporation cannot migrate beyond the boundaries of the sovereign that creates it except by comity, and inasmuch as the absolute power of the Congress over interstate commerce includes the power to prohibit, there can be no reasonable ground for doubting the power of the Congress to exclude from interstate commerce such corporations, as in its judgment, are harmful to that commerce, or to the public policy of the nation, or of the states in which they exploit their energies. Indeed *Crutcher vs. Kentucky* distinctly maintains the proposition; and, as an example of the exercise of the prohibitory power which has been declared constitutional, may be cited that clause of the Hepburn Act which contains a prohibition against the carriage in interstate commerce by a railroad of any article or commodity, other than timber and the manufactured products thereof, manufactured, mined or produced by it, or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier. By this act, the Congress established a public policy of its own in respect to interstate commerce, and struck down in respect to that commerce the public policy of those states which had joined to the faculty of the common carrier the faculty to mine, to manufacture, or to produce, otherwise than for the carrier's own use. It may establish in interstate and foreign commerce a similar public policy supereminent over the public policy of any state, in regard to any sort or kind of corporation which the public policy of the state may choose to create.

As was well said by Mr. Justice Bradley in the case of *Stockton vs. Baltimore R. R.*, 32 Fed. Rep., p. 9, speaking of the extent of the power of the Congress over interstate and foreign commerce: "It is over the whole subject, unimpeded and unembarrassed by state lines, or state laws, and in this matter the country is one, and the work to be accomplished is national; state interests, state jealousies and state prejudices, do not require to be con-

sulted. In matters of foreign and interstate commerce there are no states."

Nor is this new doctrine, because in *Gibbons vs. Ogden*, 9 Wheaton, Chief Justice Marshall said of the same regulative power: "It is a power vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions in the exercise of the power as are found in the Constitution of the United States."

Therefore, the Congress can drive out of interstate and foreign commerce all corporations with fictitious or watered stocks, all corporations whose capital stock is so great as to constitute them practical monopolists or suspects of being such, all holding companies, and all companies whose stocks are owned and controlled by holding companies or by other corporations.

If it should become necessary for the Congress to adopt a corporation regulative act, that act should be drawn so as to destroy the existing evils, and so as to promote and not to hamper legitimate trade and commerce; and to this end the constructive statesmanship of all parties should co-operate. The demand of the people is for that degree of industrial peace which is not incompatible with fair and healthy commercial competition; not a peace of Warsaw made by desolating legislation; nor yet the *Pax Romana* of the all-conquering imperial trust. Nor do they intend to heed the plaintive voice of the spokesman for the modern Cyclops, "*monstrum horrendum informe, ingens*," asking the Federal Government to take it in its arms and coddle it, tell it what to do, and "*to fix prices*."

Verily extremes meet, and the monopolist and the socialist reach a common ground! For government to fix the prices of merchandise bought and sold in commerce is utterly beyond the power of any legislative body in America; and our free democratic society, based on the independence of the individual and the development and protection of individual rights, would have to be shattered to its foundations and a new social order built up, before any such proposition could be maintained.

Such a power necessarily implies the right to fix the price of human labor, not only because the price of the products of labor

cannot be fixed without indirectly fixing the proportion of the price that labor shall receive, but also because, as the liberty of the merchant, the producer and the manufacturer is as great as the liberty of the laborer, a power great enough directly to shackle their liberty is great enough directly to shackle his liberty. No free people will ever submit to any such doctrine. It is the socialism of Marx and Engel pure and simple, and may find its justification in their celebrated manifesto, but not in any of the records or documents that consecrate the rights and the political beliefs of the American citizen, undefiled by the social leprosy engendered in the Ghettos of an oppressed race, and in the hovels of a peasantry whose ancestors were *adstricti glebis* for a thousand years, and who themselves are still the hewers of wood and drawers of water for an overbearing class of oligarchic land monopolists.

May not we now add to the description of the modern Cyclops from which has come this cry for the government "to fix prices," the balance of the Virgilian hexameter just quoted, and say of it *cui lumen ademptum*? For surely the light of American liberty does not shine for it.

It is no answer to this argument to point to the regulation by law of the charges made for gas, water, electric lighting, telephones, telegraphs, express charges, transportation and grain elevator rates. These businesses are public, or quasi-public in their nature, and most of them enjoy what has been well described as a natural monopoly. Nor can modern legislation regulating prices be supported by the precedents of the despotic governments of the middle ages, which pursued the butcher to his stall, the weaver to his loom and the baker to his oven. The police power may still touch the butcher, and the baker in the interest of public health, but it cannot fix the price of the commodities they sell. The ancient assize of bread was the last of these medieval tyrannies, and still keeps its place by immemorial custom in some cities in foreign countries. As a matter of history it persisted in my own home city of New Orleans up to thirty years ago, which may be explained by the fact that for the first eighty-five years of her existence she was a foreign city,

and it took a long time to change her municipal habits and traditions.

Of course the states by no agreement among themselves could protect their citizens against any evils arising out of the national banking laws of the United States. The establishment of a money trust among the national banks can only be prevented by the federal power.

I have already stated that there is no limitation on the capital stock of such banks, no prohibition against the holding and voting of their stock by other corporations, and no prohibition against the identity of the boards of directors of banks situated in the same locality. Consolidation is not expressly permitted, but it has been practised in round about ways, and has resulted in the creation, both in New York and Chicago, of banks of enormous capital and deposits which run into the hundreds of millions. One national bank cannot hold stock in another national bank, but this results from want of power in such a bank, to hold stock, except temporarily, in any corporation.

In the present condition of the law, it would legally be possible to create a holding company in one of the states that permit and even encourage such organizations, to purchase, own and vote the majority of the capital stock of every national bank in the United States, and such a corporation would bear the same relation to the finances of the country that the United States Steel Corporation bears to the iron and steel industry. Indeed some of the large banks are now operating a device which partakes of the nature of a holding company, accompanied by the establishment of an indissoluble tie between the stock of the bank and the stock of the so-called "securities company."

The attention of the officers of the government was called to this subject by the organization of the National City Company, in New York. Investigation by the Secretary of the Treasury, it is publicly stated, shows that there are three great holding companies of national bank and other stocks, and hundreds of smaller ones. The general plan adopted to carry out one of these schemes is for one of the great banks to declare a special dividend to stockholders. This dividend, by arrangement with the stock-

holders, is applied to the organization of a securities or a trust company in which the stockholders are the same as those of the bank. The capital stock of the securities company is then invested in the stock of other banks and corporations, and if necessary more funds are borrowed from the parent bank on the security of the stocks purchased. Both the stock certificates of the parent bank and of the securities company are stamped in such a way that the transfer of stock in either company carries with it a transfer of a proportionate amount of stock in the other, so that the stockholders in the parent bank and its connected securities company remain always the same and in the same proportion, thus establishing a community of management between the parent bank, the securities company, and all the banks or corporations whose stocks are controlled by the securities company.

In view of the Knight case, which has never been expressly overruled, it is doubtful whether schemes of this kind are within the purview of the federal anti-trust act, but there is no doubt that they are an ingenious subterfuge, intended to circumvent the settled rule that one national bank cannot own stock in another corporation. Between the law breaker and the expounder of the law there has been since the first statute was promulgated a perpetual contest, the one inventing plans to do indirectly what he is prohibited from doing directly, and the other extending and developing the elemental principles of justice so as to circumvent all evasions no matter how ingeniously devised. It is therefore not probable in this matter that either the Attorney-General of the United States or the courts will conclude that the "ingenuity of the law breaker is greater than the law." *

The difference between this plan and that of the simple holding company is the linking together the stock of the parent

* This prediction of what the Attorney General of the United States would decide in this matter, was written and printed before his opinion was published. Then happened a most remarkable thing. The Secretary of the Treasury refused to accept, and act upon the opinion of the law officer of the Government, and the question was referred to the President. His conclusion is still *in petto*.

bank and the stock of the securities company, and the furnishing of the capital of the securities company by the subterfuge of a dividend. If, however, one or two of the great capitalists of the nation should in their own individual names and for their own individual purposes acquire the majority of the stock in the majority of the national banks of the United States, or even of those in any of the financial centers, it is difficult to see how in the present state of the law they could be prevented from organizing a holding company to own and vote such stocks.

A money trust controlling the liquid capital—the life-blood of the commerce of the nation, is doubtless the dream of the dominant financial magnates. If such a calamity does befall us, there will surely rise up another Andrew Jackson, with the power and the good will of the people behind him, who will throttle this new perversion of the financial laws, just as the old Andrew Jackson strangled the Bank of the United States. But the simplest and the surest way is for the Congress now to limit the capital stock of national banks, to prohibit consolidation directly or indirectly, to prohibit directors in one national bank from being directors in any other bank, state or national, to prohibit any corporation from owning directly, or through trustees or interposed persons, any of the stock of a national bank, and to prohibit the coupling of the stock of a national bank with the stock of any other company, or vice-versa.

The African wizard doctor's method of casting out devils is said to be the filling of the victim with other and different devils. On the analogy of this principle, it is proposed in some quarters that the Federal Government shall create private business corporations to engage in interstate commerce. Assuming for the moment that the government has the power to create such private business corporations, and that the object and purpose of such creation is so to control interstate commerce as to prevent all interstate commercial iniquity committed by corporations, it would be necessary to couple this creation with a prohibition against any state corporation engaging in that commerce; because in the absence of such a prohibition no capital would seek investment under a stringent federal corporation law when

it could incorporate itself under the liberal laws of the various states and have full right to engage in interstate commerce. Particularly would that capital which needs supervision and control fail to invest itself in a federal corporation.

But such a prohibition would be an economic crime. Every business corporation in the land is more or less engaged in interstate commerce. It would act as an embargo on the commercial activities of tens of thousands of corporations, extending from the great department store down to the incorporated retail shop. It would arouse an antagonism among the states so hostile that in every state such corporations would be rigidly excluded from all internal commerce. Such a law would soon become the center of political attack, and the party which would attempt to justify or maintain it would be swept from power in a whirlwind of indignation. Without such a prohibition, such a law would simply be inserting into the body politic more devils, less harmless perhaps than those already existing, but certainly without the power of driving the old ones out.

But the Congress has, under the grant to regulate interstate and foreign commerce, no constitutional power to create a private business corporation to engage in interstate and foreign commerce, and the only person who, with any seriousness, ever claimed it has such a power, so far as I know, is the former Commissioner of Corporations, Mr. Garfield. Professor Willoughby, in his recent work on the Constitution, denies the power. That no such power exists clearly appears from the opinion of Chief Justice Marshall in *Osborne vs. The Bank of the United States*, 9 Wheaton, who said:

"The bank is not considered as a private corporation whose principal object is individual trade and individual profit, but as a public corporation created for public and national purposes. That the mere business of banking is of its own nature a private business and may be carried on by individuals and companies, having no political connection with the government is admitted; but the bank is not such an individual or company. It was not created for its own sake or for private purposes. *It has never been supposed that Congress could create such a corporation.*"

That the second bank of the United States, the validity of whose charter was in issue in the Osborne case, was an instrumentality of government, and that this was the ground upon which the court justified the charter, was held in the corporation tax cases, lately decided. The Supreme Court of the United States in *Farmer's Bank vs. Dearing*, 91 U. S. 29 and in *Davis vs. Elmira Savings Bank*, 161 U. S., 283, has declared that the National Banks are instrumentalities of the Federal Government created for a public purpose. The interstate railroads and bridges chartered by the Congress are all quasi-public corporations, and the right to create them has been pitched by the Congress itself upon the interstate commerce power, the military power and the post road power. They too are instrumentalities of the Federal Government created for a public purpose, and authorized to do what the government itself could do, and for that reason are not subject to state taxation or control, as was held in *California vs. Pacific Railroad Co.*, 127 U. S., p. 1. The corporation tax cases, cited as *Flint vs. Stone, Tracey & Co.*, 220 U. S., 152, make it clear that business corporations organized for private purposes are not governmental agencies in any sense. Nor can a state itself by descending to the conduct of business of a private character, as the State of South Carolina did in regard to the liquor traffic, make such traffic a governmental agency. *South Carolina vs. U. S.*, 199 U. S., 437.

The creation, therefore, of strictly private business corporations to engage in interstate commerce, which by no stretch of the imagination can be made instrumentalities of government, organized as an appropriate means to aid in the execution of a governmental function, cannot be justified by the doctrine or the reasoning of any of the cases heretofore decided by the Supreme Court of the United States. To establish such a power would be practically to read into the constitution the rejected motion of Madison in the convention of 1787, to give the United States power "to grant charters where the interests of the United States require and the legislative provisions of individual states may be incompetent."

But even if the radical doctrine of the New Nationalism

should prevail on this question, the scope of such federal business corporations would be extremely narrow. They would be confined to conducting intercourse and traffic, the transportation and transit of persons and property, the purchase, sale and exchange of commodities among the states and with foreign countries, with their inseparable incidents and concomitants. They could not engage in mining, manufacturing or in production of any kind, with their inseparable incidents and concomitants, because these matters are not commerce and are absolutely beyond the power of the Congress. This proposition is too well settled for discussion. The jurisprudence of the Supreme Court of the United States on this subject is summed up by Mr. Justice Jackson in the *Greene* case, 52 Fed. p. 113, as follows:-

“Commerce among the states within the exclusive regulating power of Congress consists of intercourse and traffic between their citizens, and includes the transportation of persons and property as well as the purchase, sale and exchange of commodities. In the application of that comprehensive definition, it is settled by the decisions of the Supreme Court that such commerce includes, not only the actual transportation of commodities and persons between the states, but also the instrumentalities and processes of such transportation: That it includes all the negotiations and contracts which have for their object, or involve as an element thereof, such transmission or passage from one state to another: That such commerce begins, and the regulating power of Congress attaches when the commodity, or thing traded in, commences its transportation from the state of its production or situs to some other state or foreign country, and terminates when the transportation is completed, and the property in the state of its destination. When the commerce begins is determined not by the character of the commodity nor by the intention of the owner to transfer it to another state for sale, nor by his preparation of it for transportation, but by its actual delivery to a common carrier for transportation, or the actual commencement of its transfer to another state. At that time the power and regulating authority of the state ceases, and that of Congress attaches and continues until it has reached another

state, and become mingled with the general mass of property in the latter state. That neither the production or manufacture of articles or commodities which constitute subjects of commerce, and which are intended for trade and traffic with citizens of other states, nor the preparation for their transportation from the state where produced or manufactured, prior to the commencement of the actual transfer, or transmission thereof to another state, constitutes that interstate commerce which comes within the regulating power of Congress; and further, that after the termination of the transportation of commodities or articles of traffic from one state to another, and the mingling or merging thereof in the general mass of property in the state of destination, the sole distribution and consumption thereof in the latter state forms no part of interstate commerce."

Manufacture and production end before commerce begins, and form no part of it. They are completely under the control of the state where manufacture and production take place, and are therefore beyond the commercial power of the Federal Government. As the court said speaking through Mr. Justice Lamar in *Kidd vs. Pearson*, 126 U. S., 22:

"No distinction is more popular to the common mind, or more clearly expressed in economic and political literature than that between manufacture and commerce. Manufacture is transformation—the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and transportation incident thereto constitute commerce."

The same statement applies to mining, lumbering and agriculture.

If under its commercial power the Congress could charter corporations to mine, manufacture and produce, then we should have federal mines and federal factories, federal wheat farms, federal cotton plantations, federal truck gardens and federal poultry yards. These corporations could enter the states without their consent and acquire and hold their soil against their public policy and even against their prohibitory laws. And this is the *reductio ad absurdum* of the whole matter; because, if there is

any question beyond dispute, it is that a state has absolute dominion over her own soil, and no part of it can be held or owned without her consent, except by the Federal Government, or its instrumentalities for public purposes, under its sovereign power of eminent domain. It will not be for a moment contended that under the fifth amendment, or under any other power in the Constitution, express or implied, private property can be taken for a private business use. Therefore the creation of corporations by Congress under the exclusive and unlimited power to regulate commerce, and the giving of such corporations faculties which they cannot exercise except with the consent of the states expressed or implied, is an absurdity, because the essence of the right to exercise an unlimited and exclusive power is that it shall be exclusive and shall not depend in any respect upon the consent, or be liable to the prohibitions, of any other authority whatever. The barrier which marks the boundary of an exclusive power lies at that point where other powers, strong enough to eviscerate the object of its action, begin to operate. A federal private business corporation, with the power to manufacture and produce, existing outside of the District of Columbia, or a territory or an insular possession of the United States, is therefore as complete a legal absurdity as the fabled creature, woman above and fish below, is a physiological absurdity. *Risum teneatis amici?*

The Supreme Court of the United States has said that court is not the harbor in which the people can find a refuge from ill-advised, unequal and oppressive state legislation; nor ought the people of the states, who are justly proud of their independence and justly jealous of their right of self-government, to look to the Congress as such a harbor, as long as the remedial power lies with them. That the remedy for the corporation debauch from which the people of the states are now awakening lies in their own hands, I have demonstrated, and it is only necessary that such remedy be worked out by them in that spirit of amity, fraternity and consciousness of common interests and a common destiny without which the republic cannot endure.

APPENDIX

SHOWING THE MOST NOTABLE CHANGES IN THE
LAWS OF THE UNITED STATES, THE STATES,
TERRITORIES AND INSULAR POSSES-
SIONS SINCE JULY 1, 1910.

ALABAMA.

An act to regulate the sale of stocks of merchandise in bulk. Such sales by a merchant out of the ordinary course of trade are *prima facie* fraudulent and void as against creditors unless certain formalities are complied with.

An act creating a Court of Appeals consisting of three judges to relieve the Supreme Court of its present burdens, with final jurisdiction in certain cases, civil and criminal. When the validity of a statute of the state or of the United States is involved, the Court of Appeals is required to certify the case to the Supreme Court for decision.

An act providing for the appointment of railway and street railway policemen to be appointed on the application of the railways and to be paid by them.

An act prohibiting persons from knowingly, and with intent to injure or defraud, issuing checks or orders upon banks or other persons in whose hands there is no money to meet the same.

An act to enforce better sanitary conditions in inns, hotels and restaurants by requiring hotels and restaurants to furnish clean, fresh bed linen, etc.; to remove all soiled towels, linens, etc., from the rooms to which guests are assigned; to screen properly the windows and doors against flies and mosquitos; to screen windows, doors or openings in kitchens.

An act creating a bank department of the state, putting state banks under the supervision of state authorities and subjecting them to examination by bank experts.

An act to prevent persons who with intent to defraud enter into a written contract for the performance of an act or service, and with like intent, obtain from the employer money or other personal property.

An act regulating and licensing dentists in this state.

An act creating the office of guardian *ad litem* in all counties over 100,000 population.

There are a number of acts providing for the adoption by the people of a commission form of government by municipalities of the state.

A local option act permits counties by vote to authorize the sale of vinous and spirituous liquors, and to establish an excise board having under its control the issuance of licenses where the sale of liquors has been authorized.

An act making it a capital felony wantonly to wreck railroad trains.

An act creating a reformatory for wayward and delinquent females.

An act providing for the regulation and transportation of explosives by common carrier.

An act providing for the preservation and protection of oyster reefs of the state.

An act amending the homicide law usually called "Lord Campbell's Act," the amendment requiring suits under the act to be brought in Alabama and not elsewhere, and the same amendment is made to the Employer's Liability Act.

An act authorizing the entire property of a private corporation to be sold upon a vote of two-thirds of the board of directors ratified by four-fifths of the stockholders.

An act providing for the destruction of milch cows to prevent tuberculosis.

An act giving the supreme Court and Court of Appeals authority to remit excessive damages recovered in the lower courts. This act gives the appellee the right to remit the amount of excessive damages, or submit to a reversal, but the act is practically annulled by allowing the appellant the right to agree or disagree to the remittitur.

An act to provide for the protection and preservation of oil and gas wells.

An act to regulate the consolidation of insurance companies.

ALASKA.

The Vice-President for Alaska has made no report of any legislation since July 1, 1910.

ARKANSAS.

An act regulating the assignment of wages, making such assignments void to secure any loan of less than \$200 unless accepted by employer and recorded in County Recorder's office. Assignment by a married man must be consented to in writing by his wife.

An act making railroad companies liable to anybody suffering injury by death of an employe.

An act defining motor vehicles and providing for the registration and regulation of the same.

An act establishing a Juvenile Court.

An act authorizing agreed bills of exception except in felony cases.

An act prohibiting concubinage between the white and colored races.

An act creating a State Board of Education.

An act carrying into effect Amendment No. 10 to the constitution in regard to the Initiative and the Referendum.

ARIZONA.

There was no meeting of the legislature of Arizona in the year 1911, because of the pendency of the statute before Congress to admit Arizona as a state in the Union.

CALIFORNIA.

Twenty-three constitutional amendments were passed, and a special election called for October 10, 1911, to vote upon them.

Among the most important acts passed were the following:

An act amending the Railroad Commission Act.

An act providing for the cash payment of wages.

An act providing for recall of municipal officers in municipalities other than those governed by freeholders' charters.

An act restoring the Australian Ballot.

An act amending the grand jury system by providing that where an indictment has been found against a defendant, a copy of the testimony given before the grand jury shall be served upon him within five days after the discharge of the grand jury or if not discharged at least five days before the cause is set for trial, taking away the right of the defendant to set aside the indictment upon a showing that any of the grand jury were prejudiced and providing further that the indictment may be amended by the District Attorney without leave of court at any time before the defendant pleads. And for such amendment at any time after the defendant shall have pleaded, whenever in the discretion of the court the substantial rights of the defendant are not thus invaded.

An eight-hour law for women, providing that those in certain employment shall not be required or permitted to work more than eight hours in any one day or more than forty-eight hours in any one week.

An act providing that a conviction may be had upon the testimony of an accomplice when corroborated by such other evidence as shall tend to connect the defendant with the commission of the offense.

An act providing that a person offending against the law may be a witness against any other person so offending and may be compelled to attend and testify and produce books, contracts, papers or documents in the same manner as any other person, and he shall not be excused upon the claim that such testimony so given or the production of such papers may incriminate himself. But providing that the testimony so given and the papers and documents so produced shall not be used in any criminal prosecution or proceedings against the person so testifying or producing the same, except for perjury, and he shall not be liable to prosecution or indictment for the offense with reference to which his testimony is given, no such person to be exempt from indictment and prosecution or punishment for the offense with reference to which he may have testified where he does so voluntarily and has not asked to be excused from so testifying.

An act preventing the sale of tobacco, cigarettes or cigarette papers to any persons under the age of eighteen years.

An act establishing a state board of control to consist of three members appointed by the Governor to hold office at his pleasure who shall have supervision of all claims against the state and all purchases and expenditures by the various boards of the state and shall have power to provide and establish a system of accounts and accounting, and general powers of supervision over all matters concerning the financial and business affairs of the state, with power to investigate and protect the rights and interests of the state.

An act providing that a non-resident cross complainant in an action for divorce may himself obtain a divorce notwithstanding the non-residence, in cases where the court finds that such person is entitled thereto.

An act providing and creating an employers' liability system. It shall not be an offense, 1st that the employee either expressly or impliedly assume the risk of the hazard complained of, or 2d, that the injury or death was caused in whole or in part by the want of ordinary or reasonable care by a fellow servant. The employer, at his discretion, may place himself within the provisions of the act or remain subject to an action for damages, but be deprived of the defenses open to him, except as provided.

An act providing the means and method for the appropriation of water for the generation of electricity or electrical or other power and for the conservation thereof. This is the conservation measure: No water shall be appropriated for a period of more than twenty-five years and the appropriation shall be subject to the rights of the state to regulate and fix the rates of compensation for which the power generated may be sold, rented or distributed.

An act creating a commission to be known as the Conservation Commission for the purpose of investigating and gathering data and information concerning forestry, electricity, irrigation, etc.

An act providing for the commission form of government in certain municipalities.

An act adding an additional offense for which an attorney-at-law may be disbarred, to wit: For the commission of any act involving moral turpitude, dishonesty or corruption, whether the same be committed in course of his relations as attorney or otherwise, and whether the same constitute a felony or misdemeanor. Conviction of such an offense by a court shall not be a condition precedent to such disbarment.

A tenement house act providing and establishing a uniform system and plan for tenement houses throughout the state.

An act regulating the employment of and hours of labor of children.

The most important of the constitutional amendments proposed are:

For the establishment of a state system of weights and measures.

For charter governments by counties.

For a divided session of the legislature under which the legislature shall meet for thirty days and then adjourn for thirty days. It shall then reconvene and pass such bills as may meet its approval. Bills shall be introduced at first session but are not to be passed except emergency measures. No bills shall be introduced at the second session except by a three-fourths vote.

For the initiative and referendum.

For the recall of all officers of the state, including judicial officers.

No judgment in criminal cases to be set aside for technical reasons or to be set aside in cases where the substantial rights of the defendant have not been invaded or the proceeding resulted in a miscarriage of justice.

For the appointment of a public utility commission.

Forbidding the issuance of passes to public officials.

For the appointment of the clerk of the Supreme Court and other clerical judicial officers, a step toward the short ballot.

Exempting property of veterans of the Civil War from taxation to the amount of \$1000.

Forbidding combination between shippers by railroad companies.

Extending franchise to women.

COLORADO.

Up to the date of this report, the statutes had not been officially published. The public printer offered to furnish them with consent of the Secretary of State, but he on application refused, although he knew the purpose of the application.

CONNECTICUT.

The legislature of Connecticut, still in session, had up to the date of this report passed no acts of importance except, first, the bills of lading act recommended by the Conference on Uniform Laws; second, an act concerning the regulation and supervision of public service corporations and creating a public utilities commission, to consist of three electors appointed by the General Assembly upon nomination by the Governor; third, an act prohibiting employment of children in certain occupations; fourth, an act concerning the inspection and transportation of cattle; and, fifth, an act concerning the registration, numbering and use of air-ships and the licensing of operators thereof.

DELAWARE.

An act providing for the preparation and adoption of a new code.

The Uniform Negotiable Securities Act.

Acts establishing commissions to frame a Child Labor Law and an Employers' Liability Law and creating a State Live Stock Sanitary Board.

An act permitting the taking of testimony orally in the Court of Chancery.

An act providing that fees of expert witnesses shall be fixed in the discretion of the court.

An act authorizing the Criminal Courts to release on probation in many cases.

Acts establishing a Juvenile Court and Public Utilities Commission for the City of Wilmington.

A Highway Act to provide for the gift to the state of a boulevard extending the length of the state by a private citizen, Mr. T. Coleman du Pont.

FLORIDA.

An act recommended by the American Bar Association, providing that no verdict shall be set aside or new trial granted, or judgment reversed unless it affirmatively appear from the record that injustice had been done by the irregularity or proceeding made the basis of the motion, or assignment of error.

An act authorizing the attorneys of other states to be admitted provided they have been in active practice for five years and have been admitted to the Supreme Court of the state from which they come and can produce satisfactory evidence of good moral character.

A bill reducing the number of Supreme Court justices from six to five, and a resolution also authorizing the appointment of a commission of three to investigate the pleading and practice of this state and make a recommendation to the next legislature for a simplified procedure.

GEORGIA.

The legislature of Georgia, for 1911, was still in session at the date of this report and had passed no bills.

No acts of general importance were adopted at the session of 1910.

HAWAII.

The Supreme Court is authorized to prepare forms for the various courts, which are to be valid as if authorized by statute, printed at the public expense, and sold at cost.

The warden is to keep in communication with paroled prisoners for at least six months, and if final release is not incompatible with the welfare of society, a discharge may be authorized.

A commission is established for the promotion of uniformity of legislation.

A certificate is made *prima facie* evidence of the fact of marriage.

A prisoner who has undergone a sentence of more than one year, and has no funds, is to be furnished with five dollars in money and clothes costing not less than ten dollars.

Writs of error are made to run to all the courts, inferior as well as superior, from a decision quashing an indictment or arresting an eviction, where the decision is based on the invalidity or upon the "construction of the statute"; or from a decision sustaining a special plea in bar, where the defendant has been put in jeopardy.

Acts were passed to meet the "Senator" incident—the attempt of the Alaska Packers Company to entice laborers from Hawaii to Alaska.

An act was passed against spitting; it also prohibits the common drinking cup and the employment of school teachers afflicted with tuberculosis, giving the Board of Health large powers in regulating persons afflicted with the disease.

A Department of Immigration has been created to encourage immigration and inspect the condition of labor in the territory, maintaining a market superintendent for small farmers and other purposes.

A decree of divorce is not to become absolute for at least one month.

IDAHO.

No statutes of general interest were adopted by the last triennial session of the legislature except a resolution submitting constitutional amendments to the people, establishing the initiative, the referendum and the recall; the recall, however, not to pertain to judicial officers.

ILLINOIS.

The Uniform Bill of Lading Act as recommended by the Conference of Commissioners was adopted. A change was made from the draft of the Commissioners in section 10, which provides that where a consignor receives a bill, or makes no objection to its terms or conditions at the time he receives it, neither the consignor nor any person who accepts delivery of the goods nor any person seeking to enforce any provision of the bill shall be allowed to deny that he is bound by such terms and conditions, so far as they are not contrary to law or public policy. The amend-

ment inserted immediately after the word "objection" in the second line the words "as hereafter provided." Another amendment struck out the words at the end of the second line and the beginning of the third "at the time he receives it," and added a proviso as follows: "Provided, that any objection to the lawful terms and conditions of said bill shall be made in writing, which only need state the mere fact of such objection by the consignor within three hours after receiving said bill, and all such bills shall have attached to the same a blank form for such objection. Thereupon it shall be the duty of the officer, agent or servant of the carrier to take up said bill of lading so objected to, and upon request of such officer, agent or servant, it shall be the duty of the consignor to surrender such bill of lading, and thereupon such officer, agent or servant shall issue an unconditional bill under which consignor shall pay the lawful freight rate." An amendment is made to section 48 by inserting after the word "fact," in line 5, of that section, the words "by causing said fact to be endorsed."

An act was passed providing for a system of probation and authorizing the suspension of final judgment in criminal cases.

The act regulating the civil service of the State of Illinois was considerably amended and a bill to regulate the civil service of counties was passed.

A reactionary act was passed providing that it shall be unlawful for any city, village, incorporated town, county, or other corporate authority in the state, by ordinance, rule or regulation other than may be established by the law of the state, to establish or require the tuberculin test to be applied to dairy animals. It is intended, no doubt, to secure to the farmers of the state the privilege of selling, for consumption, the milk of infected or diseased cattle.

An act was passed to protect turnpike, gravel or macadam roads. It is vague and does not promise to be of any special benefit.

Another act provided for the establishment of a surgical institution for the treatment of children under the age of 14 suffering

from physical deformity or injuries of a nature likely to yield to surgical skill and treatment.

An act provides for the appointment by the Governor of a rivers and lakes commission, consisting of a civil engineer, a lawyer, and one person who is neither, but is intimately acquainted with the rivers and lakes of Illinois. They have general supervision of every body of water within the state wherein the state or the people have any rights or interests.

Classes and schools are established for deaf, dumb and blind children, and also for delinquent children. These children are those committed by courts of competent jurisdiction.

An act was adopted to promote the public health by protecting certain employes in this state from the dangers of occupational diseases and providing for the enforcement thereof.

It is in line with factory legislation in England.

The laws in relation to coal mines and subjects relating thereto and providing for the health and safety of persons employed therein are to be reissued.

Another act provides for the establishment of a park police pension fund somewhat similar to that in force in the City of Chicago as to the city police.

An act was passed to create a sanitary inspection of foods and declaring conditions constituting a nuisance, and to provide for the enforcement thereof.

Another act prohibits the use of a common drinking-cup, glass or utensil in public and private schools, and other public places including railroad trains.

An act was passed amending the act relating to dependent children, by which it was provided that if the parents of the dependent or neglected child are poor and unable to properly care for it, and are otherwise proper guardians, and it is for the welfare of the child to remain at home, the court having jurisdiction in such matters may enter an order finding such facts and fixing an amount of money necessary to enable the parent or parents to properly care for the child, and thereupon it shall be the duty of the county board, through its county agent or otherwise, to pay to such parent or parents at such

times as said order may designate, the amount so specified to care for such dependent or neglected child until further order of the court.

INDIANA.

A large number of statutes regulating railroads were adopted. They are so extensive as to make one believe Indiana a new state in which railroads were just organized. There is nothing new in this legislation.

A stringent employer's liability act was adopted. It practically makes the employer responsible for every accident to an employee.

MISCELLANEOUS.

An elaborate law on the subject of corrupt practices was enacted.

Rebates were forbidden in all classes of insurance and provision is made for making proof of loss in case of destruction of property insured.

Prevention of infant blindness is essayed by the establishment of public playgrounds, baths, etc., and medical inspection of school children.

Night schools are established in cities of 3000 or more.

Holders of preferred stock are given the right to vote in the contingencies named.

Admission to bail pending appeal is allowed except in case of the sentence of death or imprisonment for life.

If a person absents himself from his usual place of residence for five years without making provision for the care and management of his property during his absence, the court shall presume his death and administer his estate as if he were dead.

IOWA.

A tendency was manifested to increase the salaries of all state officials, including members of the General Assembly.

There was also a general increase in the sums appropriated for the support of state institutions.

The election laws of the state were strengthened, but no radical changes were made.

There were several radical changes in the state laws relative to taxation. For many years, the statutes of Iowa provided for the employment of tax ferrets to discover property. The last legislature made the hiring hereafter of them unlawful, and fixed a uniform basis for the taxation of monies and credits much below that of any other personal property.

The statutes relating to the collection of collateral inheritance taxes were strengthened, and the exemptions to pensioners and their families were increased.

An important change was made at the last session of the legislature in criminal procedure. The new statute allows county attorneys in certain cases, with the approval of the court, or a judge thereof, to prosecute criminal cases to final judgment on information and without the intervention of a grand jury. A defendant under this statute may be prosecuted upon an information prepared by the county attorney for any crime known to the laws of the state, when the county attorney and the court or judge thereof determine such a trial advisable. This new statute is not intended to abolish the grand jury, and trials upon information may only be resorted to in exceptional cases.

An act was adopted to prevent the procreation of habitual criminals, idiots, feeble minded and imbeciles.

A new statute provides for the pardoning of certain criminals for first offense. The object is reform rather than punishment.

Commerce won a victory by the passage of the bulk sales act, preventing the sale in bulk of stocks of merchandise to the injury of creditors.

Another statute in the interest of honesty requires goods offered for sale to be stamped or labeled just what they are.

All things considered, the statute creating the office of Commerce Counsel is the most important statute on this subject enacted in Iowa in many years. The Commerce Counsel is given many powers, including the appointment of assistants, subject, however, to the approval of the Board of Railroad Commissioners.

It is made the duty of the Commerce Counsel to investigate the reasonableness of the rates charged or to be charged, for services rendered by railroad companies, express companies and other individuals, parties or corporations subject to the jurisdiction of the Board of Railroad Commissioners.

The general use of automobiles in Iowa probably accounts for much of the increased interest in the subject of road building. The board of supervisors of each county is authorized to employ a general superintendent of highways capable of drawing plans and specifications for the building of bridges and highways, and superintending their construction.

Corporations organized for the construction of interurban roads were released from the prohibition of issuing stock to promote their enterprises.

Few new statutes were enacted for the regulation of the sale of intoxicating liquors. Wholesale liquor dealers in Iowa were allowed to sell liquors to registered druggists, and the sale of cocaine and certain other drugs was prohibited except to physicians.

A labor commission was created to investigate and report upon the question of compensation for laboring men injured in hazardous employments.

A new statute providing for the disinfecting of houses where people die of tuberculosis was enacted; as was also a bill for the establishment of an antitoxin department for the purpose of aiding in the distribution of antitoxin to the people of the state, and making an appropriation therefor.

THE INCOME TAX AMENDMENT.

The Federal Income Tax amendment was ratified by the Iowa legislature and approved by the Governor on February 27, 1911.

KANSAS.

The family desertion act prepared by the Commission on Uniform State Laws was adopted, as was also the proof of wills act prepared by the same body.

Voters are authorized to express their preference for candidates for U. S. Senators, and said candidates for the legislature are bound thereby if they promise to be so bound in their canvass for election.

A voluntary workmen's compensation act was adopted. It is applicable to all hazardous employments. Employees are presumed to come in under the act unless they serve written notices before injury of their refusal. When action is brought to recover by those refusing the benefits of the law it is no defense that the injured employee expressly or impliedly assumed the risk, nor that the injury occurred because of want of due care of a fellow servant, or that the injury was caused by contributory negligence of the employee, but the latter may be shown in mitigation of damages, if the employer has refused to come in. If the employer has come in and his employee refuses to do so, these defenses are available.

An act places all railroads and other public utilities under the control of a commission of three persons known as the Public Utilities Commission.

Another act makes railroads liable for death or injury to their employees, irrespective of contributory negligence, but permits such negligence to be shown as affecting the amount of recovery.

Another law makes the initial carrier liable to the shipper for all loss arising to him from the shipment, and makes the other carriers the agents of the receiving carrier, rather than the agents of the shipper.

MAINE.

Legislation of general interest is as follows:

The practice in equity is simplified.

Forests are better protected from fires.

A limitation on the right of action against a bank for the payment of a forged check is established.

The courts are given power in certain cases to appoint directors of corporations.

A corrupt practices act has been adopted.

Direct primaries are provided.

MASSACHUSETTS.

Advertising for divorce business not only by attorneys-at-law but also by others is prohibited.

No common carrier can require passengers to assume the risk of entering or leaving cars by a particular door if it allows them so to enter or leave the car.

In libels for divorce for adultery no one shall be named as a co-respondent without leave of court first obtained.

If a divorce is granted on the ground of adultery the court shall cause notice to be given to the district attorney.

No employee shall be required to work in a factory on any legal holiday except to perform such work as is necessary and can lawfully be performed on the Lord's Day.

Savings banks are authorized to receive deposits from school children.

No woman shall be employed in any mercantile, manufacturing or mechanical establishment within two weeks before or four weeks after child-birth.

Every school house shall be provided with a United States flag of silk or bunting which shall be displayed every school day, outside if pleasant and inside if stormy.

An act to make uniform the law relative to wills executed without the commonwealth was adopted as law; recommended by the Conference of Commissioners on Uniform State Laws.

In actions of contract plaintiff shall be entitled to a speedy trial if he files an affidavit of no defense and defendant fails to file an affidavit showing facts which in the opinion of the court entitle him to defend.

The defendant in proceedings for violation of an injunction shall be entitled to a jury trial if the violation is an act which also would be a crime.

It is a serious criminal offense to publish false statements concerning the affairs, property or financial condition of any corporation which will have a tendency to give a less or greater apparent value to the shares or bonds of such corporation.

An act to make uniform the law relating to desertion and non-support of wife by husband or of children by either father or

mother was adopted as recommended by the Conference of Commissioners on Uniform State Laws.

An act increases the liability of the officers and directors of corporations and makes the enforcement of same simpler and more certain. The obtaining of a judgment against the corporation is no longer a prerequisite.

Railroads must furnish individual drinking cups for use of passengers.

Where new trials are granted because the damages were either inadequate or excessive the new trial shall be limited to the question of the amount of damages.

A justice of the Superior Court who is seventy years old and has served for ten years may retire from active service and receive three-fourths of his salary. He may with his own consent and on written request of the chief justice serve from time to time as wanted.

An act provides for the *direct nomination* of candidates for substantially all the offices to be filled at a state election, such nomination to be had by means of primary elections.

Number of justices of Superior Court has been increased from twenty-five to twenty-eight.

Any person who after being indicted is kept in jail more than six months without trial and is finally acquitted or discharged may receive compensation from the county if the judge who presided at the trial thinks proper.

The court, if interrogatories are filed, may compel a party to disclose the names and addresses of his witnesses if justice seems to require it.

Persons desiring to be married must cause notice to be filed in office of town clerk or registrar at least five days before marriage is to take place.

Salaries of justices of Supreme Judicial Court increased to ten thousand dollars and of Superior Court to eight thousand dollars. The chief justices are to receive each five hundred dollars additional and each justice is to receive five hundred dollars for travelling expenses.

A workmen's compensation act framed on a quasi elective basis and upon the basis of insurance by a State Insurance Association or by private liability companies has been adopted.

MICHIGAN.

Telephone lines and telephone companies within the state are declared common carriers and are regulated under the general control of the Railroad Commissioner.

A law removes the tax for mortgages and abolishes the assessment of the same as personal property and substitutes therefor a filing fee of 50 cents on each \$100 of the value of the mortgage, payable when the mortgage is filed.

MINNESOTA.

An act provides for the employment of commissioners for the promotion of uniformity of legislation in the United States, defining their duties, and providing an annual appropriation to meet the expenses of such commissioners, and to have such other powers as usually exercised by a National Conference of Commissioners on Uniform Laws.

The laws relating to the crime of abandoning wife and child are amended by providing that the husband who, without lawful excuse, deserts his wife and family, when his family includes children unable to support themselves, shall be guilty of a felony, punished therefor by imprisonment in the state prison for not more than one year.

The marriage between those who are nearer of kin than second cousins, whether half or whole blood, computed by the rules of the civil law, or between persons either one of whom is an epileptic, imbecile, feeble-minded or insane is prohibited.

An act requires that in all cases where business is conducted under a firm name or the designation of name or style which does not set forth the full individual name or names of every person interested in such business, the said persons shall file with the clerk of the District Court their certificate setting forth the name under which the business is conducted or transacted,

and the true, real, full name or names of the person or persons conducting or transacting the same, the post office address of such person or persons; the certificate to be duly acknowledged and a new certificate filed whenever any change.

The laws with reference to death by unlawful act are amended by raising the maximum recovery from \$5000 to \$7500.

Indeterminate sentences to the state prison and state reformatory, in all cases except those for treason or murder, are provided.

Banks are not liable on forged or raised checks, unless within six months after notice to the depositor that the vouchers representing payment, and charged to the account, are ready for delivery, or in case no such notice is given within six months after return to said depositor of voucher representing said payment, said depositor shall notify the bank, if check so paid is forged or raised.

An act regulates the time and manner in which common carriers shall adjust the freight overcharges and claims for loss and damage to property.

All assignments or orders for wages to be earned in the future to secure a loan of less than \$200 are made invalid as against the employer of the person making the assignment, until the assignment or order is accepted in writing by the employer and the assignment or order has been accepted and filed with the court records in the city or town where the party making said assignment or order resides, or if not a resident by the firm with which he is employed. No such assignment or order for wages to be earned in the future shall be valid when made by a married man unless assented to in writing by the wife.

An amendment to the laws abolishes capital punishment, leaving only imprisonment for life in the state prison for murder in the first degree.

MISSOURI.

The Uniform Warehouse Receipts Act was passed as submitted by the Commissioners, and the proposed amendment to the Constitution of the United States giving Congress the power to levy and collect taxes on incomes was ratified.

The minimum time for the administration of estates was shortened from two years to one year and corresponding reductions in time were made within which claims against the estate were to be presented.

An act was passed to provide for the partial support of poor women whose husbands are dead or convicts, when such women are mothers of children under the age of 14 and reside in counties now or hereafter having not less than 250,000 inhabitants, and not more than 500,000 inhabitants, and now or hereafter having or holding a Juvenile Court.

An act was adopted to abolish the letting, farming out, or selling in any manner by contract the convict labor in the penitentiary of the State of Missouri and to provide for the employment of the convicts in the making of supplies and products to be disposed of to the state or any political subdivision thereof, or for any public institution owned or controlled by the state or any political subdivision thereof, and providing for the employment of not to exceed 300 convicts upon the public road and providing for the gradual change in the system of using convict labor.

An act provides for the allowance and filing of bills of exceptions at any time before the appellant shall be required by the rules of appellate Courts to serve his abstract or record instead of filing such bills of exceptions as was hitherto the law within the term of trial or within such time as might be granted by the trial judge.

An act requires an itemized statement under oath in the articles of incorporation, as to the location and value of any property received by the corporation in payment for its stock.

An act provides for the appointment of four Supreme Court commissioners to be appointed by the court with not more than two to be of the same political party and providing that they may have referred to them cases and hear arguments thereon or may sit with the Supreme Court *en banc* or with either division thereof and prepare and report to the Supreme Court *en banc* or to their respective division a statement of the facts and opinion of the commissioners in the case heard by them, which reports may be adopted by the court.

An act makes untruthful statements derogatory to a bank, trust company or other financial institution, punishable by a fine in the sum not to exceed \$1000 or imprisonment in the county jail not exceeding one year or both such fine and imprisonment.

MONTANA.

The following acts and resolutions are reported:

A stringent white slave law.

Imposing liability upon railroads for injuries sustained by employees, the provisions being similar to those of the federal act on the same subject.

Requiring prison-made goods to be plainly stamped so as to indicate their origin.

Fixing the rate of interest which may be charged to wage workers.

Authorizing municipalities to adopt the commission form of government.

An act in relation to the election of United States Senators provides that political factions shall make nominations for United States Senator at the same time and in the same manner as nominations are made for state officers; that all candidates for members of the legislature may sign and file with the county clerk a certificate to the effect that if elected he will vote for that candidate who has the greatest number of votes at the general election, regardless of his political affiliations, or a certificate to the effect that if elected he will regard the popular vote as merely in the nature of a recommendation, practically the Statement No. 1 and Statement No. 2 of the Oregon act; that the party candidates for United States Senator shall find a place upon the official ballot of the general election along with other candidates to be elected thereat, the vote for these candidates to be canvassed and returned in the same manner as is provided for other candidates.

Outlawing the "third degree" methods by police officers.

Establishing Juvenile Courts and prescribing procedure against juvenile delinquents.

Making manual and industrial training part of the course of study in all public schools.

Approving the income tax amendment to the national constitution.

Resolution asking for a convocation of a convention to propose an amendment to the Constitution of the United States to provide for the election of Senators by direct vote of the people.

NEBRASKA.

No statutes of general interest were passed by the last session of the legislature, except, perhaps, a bill providing for the abstracting of records and bills of exception in appeals on writs of error to the Supreme Court. Prior to the passage of such bill it was only necessary to file, in typewritten form, the record and bills of exception or evidence. Under the new law, and under a rule adopted by the Supreme Court, it is necessary for the appellant, or plaintiff in error, to file a printed abstract of the record and bill of exception or evidence, and when filed, the adverse party, if the same be not complete, may suggest the amendment. This law largely increases the cost of perfecting the appeal or proceedings in error to the Supreme Court, and may relieve the court of a large number of cases not involving sufficient amounts to justify this expense.

NEVADA.

A new policy is initiated in the penal system of this state; provision has been made for convict labor on the public roads and highways.

An act supplementing the Federal Carey Act, is the notable constructive act of the last session. It is an admirable piece of legislation, so far as our western conditions are concerned. It is designed to stimulate the reclamation of public lands in this state. The machinery of the act is simple, liberal and workable. Within the past few months, under its operation, vast stretches of public lands in this state, susceptible to reclamation by artesian and other methods, have been filed upon.

It is made unlawful to persuade working men to come into this state, or to change from one place to another in this state, through false representations concerning the kind or character of the work to be done, or the compensation to be paid, or sanitary or other conditions of their employment, or as to the existence or non-existence of strike or other labor troubles.

Workmen's compensation law has been enacted and a Juvenile Court has been created.

NEW HAMPSHIRE.

State, trust and banking companies are subjected to a stricter supervision by the bank commissioners.

Corporations are prohibited from making contributions to political campaign funds.

Political advertisements must be signed by some responsible person and labelled in the newspaper "advertisement."

A new law requires the publication of the names of all contributors to campaign funds and the amount given by each three days before election and the expenditures fifteen days after. Candidates are also required to make a similar publication.

In prosecutions for bribery no witness is to be excused because his testimony would tend to criminate him, but in such case he shall not be prosecuted.

Factories and work shops are required to keep a medicine chest for first help in cases of injuries.

By a new employers' liability act the employer is made liable for negligence of other employees. The workman is not to be held to have assumed the risks of the employment.

This enlargement of liability and all liability under present law is avoided if the employer gives proper notice that he accepts the new rules made by subsequent sections and gives a bond to pay damages. The workman in such case may still have the remedies of the old law but not of the benefits of the new law, unless he also accepts the provisions of the new.

The new rules make the employer liable for any accidental injury, disabling the workman for at least two weeks from earning full wages, but limits the damages in case of death to

150 times weekly wages as a maximum, not exceeding \$3000 in any one case, and in case of injury not fatal to not over one-half weekly wages for not exceeding 300 weeks.

The forestry commission is given additional powers to prevent forest fires.

Father and mother are made joint and equal guardians of the person of a minor child.

The state board of public health is authorized to prohibit the use of common drinking cups in public places.

Houses for the boarding and keeping of infants are to be licensed and subject to regulation by the state board of charities and corrections.

A public service commission is created with powers very like those conferred by the New Jersey law.

All cases of tuberculosis are to be reported to the state board of health and measures are to be taken by that board to prevent the spread of the disease.

NEW JERSEY.

An act provides that certificates of stock in corporations which formerly had to be signed by the President and Treasurer, may now be signed by either the President or Vice-President and either the Treasurer or Assistant Treasurer or Secretary or Assistant Secretary.

Any person who sets or causes to be set in type to be used in the printing of a newspaper, magazine or other current publication, any indecent or lascivious words, shall be guilty of a misdemeanor, and the same rule applies to one who causes the type to be changed for the same purpose.

A new Employers' Liability and Workmen's Compensation Act has been adopted. It contains two sections: First, for compensation by action at law, which provides that when any personal injury is caused to an employe by an accident arising out of and in the course of his employment, or which the actual or lawfully imputed negligence of his employer is the natural and proximate cause, he is to receive compensation therefor from his employer, provided the employee was himself not wilfully negligent at the

time of receiving such injury, and the question of whether the employee was wilfully negligent shall be one of fact and to be submitted to the jury subject to the usual superintending powers of the court to set aside the verdict, if contrary to the evidence.

In actions for negligence under this section, the defense of "contributory negligence" and the risks inherent in the employment are abolished. It is provided that if the employer makes a contract with an independent contractor, or if such contractor enter into a contract with a sub-contractor, to do all or part of the work, the employer shall not thereby be relieved from liability for injury caused by defects in the conditions of the works, ways, etc., if the defect arose or had not been discovered and remedied through the negligence of the employer. The burden of proof is on the employer to show wilful negligence, and wilful negligence is defined as consisting of (1) deliberate act or deliberate failure to act; (2) such conduct as reckless indifference to safety; (3) intoxication operating as a proximate cause of the injury.

Section II of the act relates to elective compensation, and provides that when an employer and employee shall by agreement, either express or implied, as in the act provided, accept the provisions of Section II of the act, compensation for personal injury to or for the death of such employee by accident arising out of and in the course of his employment, shall be made by the employer without regard to the negligence of the employee, according to the schedule contained in paragraph 11, in all cases except when the injury or death is intentionally self-inflicted or when intoxication is a natural and proximate cause of the injury. The burden of the proof of such facts shall be upon the employer.

Every contract of hiring made subsequent to the time provided for this act to take effect (that is, July 4, 1911), shall be presumed to have been made with reference to the provisions of Section II of this act and unless there be as a part of such contract an express statement in writing prior to any accident, either in the contract itself or by written notice from either party to the other, that the provisions of Section II of this act are not

intended to apply, then it shall be presumed that the parties have accepted the provisions of Section II of this act and have agreed to be bound thereby, and the employment of minors, Section II, shall be presumed to apply unless notice be given by or to the parent or guardian of the minor.

10. Contract for the operation of the provision of Section II of this act may be terminated by either party upon sixty days' notice in writing prior to any accident.

Section eleven is the schedule of compensation.

It has already been held in New Jersey that it is constitutional to do away with the defense of contributory negligence and the assumption of risks. The question whether liability may be imposed without negligence has not been decided, nor has it been decided whether the elective feature of this act would relieve it of objection which has been made to the statute in New York which creates liability without negligence.

It will be observed also that this statute applies to all employments and is not confined to extra hazardous ones, or even to factories, which well might be held to be subject to the police power by reason of the dangers inherent in the employment and the fact that large bodies of men are employed in the operation of machinery under particular social or industrial conditions.

The use of common drinking cups is prohibited.

An act provides for the sterilization of feeble-minded (including idiots, imbeciles and morons), epileptics, rapists, certain criminals and other defectives. It provides for the appointment of a Board of Examiners, and provides for the assignment of counsel to represent them, and examine them, and gives power to order an operation performed in certain cases.

An act creates a Board of Public Utility Commission, and prescribes its duties and powers. Provides for a commission with power of investigation and supervision, and with authority to fix rates, to provide for standard of service and appliance, with respect to public utility companies, including steam railroads. This act supersedes a prior act which did not give the rate-making power.

A commission is established on old age insurance and pensions.

An act creating the Employers' Liability Commission, gives the Governor power to appoint commissions to observe in detail, as far as possible, the operations throughout the state of the act known as the Employers' Liability Act. It requires employers to report injuries, giving details, and that the information shall be tabulated, the reports to be private, and not used in evidence against the employer in any suit.

NEW MEXICO.

No report has been received from the Vice-President for New Mexico, and no notice has been taken by him of letters and telegrams.

NEW YORK.

An immense number of statutes were passed by the legislature amending the statutes of the state.

An act incorporates the American Jewish Committee.

The objects of this corporation are to prevent the infraction of the civil and religious rights of Jews in any part of the world. To render all lawful assistance and to take appropriate remedial action in the event of threatened or actual invasion or restriction of such rights or of unfavorable discrimination with respect thereto. And to secure for Jews equality of economic, social and educational opportunity.

The Bills of Lading Act as recommended by the Commission on Uniform State Laws has been adopted.

An act punishes the discrimination against the United States uniform by innkeepers, common carriers or owners, managers or lessees of theatres or other places of public amusement or resort.

The Uniform Sales Act as recommended by the Commission on Uniform State Laws has also been enacted.

NORTH CAROLINA.

The Vice-President reports that the only acts of general interest passed by the legislature of North Carolina are two acts

affecting married women: one authorizing them to contract and deal as if unmarried, as to all of their personal property; and another act enabling those whose husbands are lunatics to sell any of the husband's property or their own for their support; the order for the sale to be obtained in special proceedings approved by a judge.

NORTH DAKOTA.

A Juvenile Court has been created.

The standards of the medical profession are raised by a statute. The study required preliminary to state examination is two years of college and four years of medical school work. The bill is materially defective, however, in that an exception is made in the case of osteopaths, who, though not allowed to administer drugs, may perform *minor* surgical operations. The osteopaths have a separate board of examiners and all the preliminary education required seems to be a two-year course in one of their schools.

Cities may by vote adopt the so-called commission form of government.

A resolution was adopted which will be submitted to the people, which seeks to amend the constitution of the state so as to provide a general system of initiative, referendum and recall. The matter as submitted to the people will be submitted in the form of two propositions. (1) whether they desire the initiative and referendum to be applied to the state constitution as well as to the acts of the state legislature, (2) whether they desire the system to apply merely to legislation.

A comprehensive anti-pass bill was passed, but was not put into operation until the members of the legislature had safely returned home without paying railroad fare. The bill also had a saving clause which applied the doctrine of "the impairment of the obligation of the contract to the annual, and other passes which were already issued," so that the said members could enjoy their privileges and immunities without regard to the act.

OHIO.

New laws are reported as follows:

An act which turns the Ohio Railroad Commission into a Public Service Commission, regulating all the public utilities in Ohio.

A state building code.

An act placing under the control of one state board all the various state institutions of Ohio.

A corrupt practice act.

An act providing for popular election of United States Senators.

An act making the initial carrier liable for loss by a connecting carrier.

An act requiring agriculture to be taught in the public schools.

An act requiring both the man and the woman to apply for a marriage license.

An act requiring a reviewing court to disregard errors and to examine the whole record for the purpose of determining whether substantial justice has been done between the parties.

An act to make uniform the law of bills of lading.

An act to make uniform the law of transfer of certificates of stock.

A workmen's compensation act.

OKLAHOMA.

Laws passed at the extra session confer upon the Supreme Court exclusive original jurisdiction in all matters concerning the removal and location of the state capitol and other state institutions, but the principal purpose of the acts was to provide for more immediate and final decision relating to the removal of the state capitol from Guthrie to Oklahoma City. The assigned purpose of the special session was to settle this matter by legislative action.

Any foreign corporation doing business in the State of Oklahoma, and any person now or hereafter having any cause of action against such corporation, arising on contract, tort or other-

wise, may file suit in any county in the State of Oklahoma where the plaintiff resides or where said corporation has its principal place of business or has property, or in any county where said corporation has an agent appointed upon whom service of summons or other process may be had.

Section 2 of this chapter provides in effect that in case a foreign corporation fails to appoint a resident agent or to file its articles of incorporation, service of process upon the Secretary of State, describing the defendant company, etc., shall be valid. The validity of this section is open to question and a case is now pending in the Supreme Court involving this point.

An amendment to the law on banks and banking relates to the personnel and expenses of the banking board.

One section provides that there is thereby levied an assessment against the capital stock of each and every bank and trust company organized or existing under the laws of this state, for the purpose of creating a Depositors' Guaranty Fund, equal to 5 per centum of the average daily deposits during its continuance in business as a banking corporation.

The general principle of the Depositors' Guaranty Fund was sustained by the Supreme Court of the United States in the case of *Noble State Bank vs. Haskell*, 31 Sup. Ct. Rep. 186; the court sustains the act as a valid exercise of the police powers of the state. In the case of *State ex rel. Taylor, State Examiner vs. Cockrell, State Bank Commissioner*, 122 Pac. 1000, the act of 1908-9 is reviewed and construed to give the State Bank Examiner the right to examine and report on the records of the State Bank Commissioner, the theory of the decision being that the Depositors' Guaranty Fund is a state fund and the State Bank Commissioner, being a state officer, has superior superintending powers over same.

Very recently this law is undergoing a further test in the matter of the right of the state to close up a bank that has refused to submit to the special assessments. This case is now pending before the Supreme Court on preliminary proceedings.

The State of Oklahoma is to have a new revised and annotated code. This was provided for by an act passed in 1909 and since

that time the Code Commissioners have been at work on the compilation which is now almost ready for the press. All general laws are repealed if not carried into the new code by the commission, existing proceedings, rights, etc., to be protected.

A limitation is placed upon the right to organize hail insurance companies more stringent than that previously provided. Under the previously existing law it was required that only five thousand dollars in cash premiums be on hand at the time of commencing business, now it is twenty-five thousand dollars.

The power of railroads to appropriate public highways for railway purposes is continued as under previous law, but the matter of assessing damages is more strictly construed, as the railway company must file with the county an offer of the amount it is willing to pay that particular district for the use of such highway, and the Board of County Commissioners is authorized to call an election within that district and a three-fifths affirmative vote of the people is necessary in order to accept the offer of the railway company.

A Supreme Court Commission of six members whose duty it shall be to assist the Supreme Court in making findings, submitting opinions, etc. is provided in a new act. This commission has been selected and will commence service on or about September 1, 1911.

OREGON.

The state constitution was amended so that in civil cases three-fourths of the jury may render a verdict, instead of twelve.

An act provides for the protection and safety of employees upon buildings, bridges, etc., or engaged in or about electrical wires, etc., or about any machinery, or in any dangerous places. It defines who are agents of the employer, and declares what shall not be a defense in actions by employees against employers.

Another act provides for the direct vote of the people upon the candidates for President and United States Senators. The people nominate Presidential electors.

An act makes it lawful for common carriers to transport free, or at reduced rates, the National Guard of the State, or of other

states, or volunteers, or regular armies of the United States when such transportation is necessary for military purposes.

An act makes the commonly called "white slave traffic" a felony.

An act provides for the registration of trade marks, etc., by anyone desiring to use the same within the state.

An act creates a parole board and defines indeterminate sentences; gives said board control of all prisoners serving indeterminate sentences.

A resolution was passed recommending for adoption at the November election of 1912 an equal suffrage amendment to the Constitution.

PENNSYLVANIA.

An act provides that when a defendant, who is charged with any crime, is called as a witness in his own behalf, he shall not be asked any question tending to show that he has committed or been charged with or been convicted of any other offense than the one for which he is then on trial, or tending to show that he has been of bad character or reputation; unless he has opened the question of his character himself or unless he has testified at such a trial against a co-defendant charged with the same offense.

An act permits a corporation to act as insurance agent.

Dramatic or vaudeville exposition, or the exhibition of any fixed or moving pictures, of a lascivious, sacrilegious, obscene, indecent or immoral character are prohibited.

An act authorizes the courts, in cases where the jury has disagreed, to certify the evidence so as to become a part of the record and to enter judgment upon the whole record if either party was entitled thereto, whenever a request for binding instructions has been reversed or declined by the trial judge; and authorizing appeals from the judgment so entered and an entry of the proper judgment in the Supreme or Superior Court.

An act makes it discretionary with the court to submit the issues of fact in a divorce case to the jury.

The dignity and honor of the uniform of the United States are protected by a penalty for any violation thereof.

The uniform law on the transfer of shares of stock in corporations, recommended by the Commission on Uniform State Laws, has been adopted.

Fire drills in factories and industrial establishments where women and girls are employed are made obligatory.

Pandering is defined and prohibited.

An act provides for the taking of testimony of witnesses residing in another state, or in a foreign country, and gives the courts power to have the testimony of such witnesses taken orally before an examiner appointed by the court.

An act enables the plaintiff, in all divorce proceedings on the ground of desertion, to testify to the fact of desertion, etc.

An act dispenses, in judicial proceedings in which a corporation is a party, with proof of incorporation of either the plaintiff or defendant when not put in issue.

The uniform law of bills of lading recommended by the Commission on Uniform State Laws has been adopted.

An act authorizes the appointment of a commission to inquire into the cause and results of industrial accidents, and to study advanced methods for safeguarding against the same; and to inquire into the subject of fair compensation for those injured or killed as a result thereof.

An act provides for the better production of live bodies and the health of women and new-born children, by regulating the practice of midwifery, and providing for the licensing and registration of midwives in the state of Pennsylvania.

An act permits the court to punish, as for contempt of court, any person who, being able, refuses to pay an order of maintenance and support made for the support of the husband, wife, parent, child, grandparent or grandchild.

A system of parole and probation for certain convicts convicted of a first offense is established.

An act authorizes a writ of foreign attachment against foreign corporations in all actions *ex contractu* and in all actions *ex delicto* for a tort committed within the commonwealth.

PORTO RICO.

The summary punishment for perjury committed in open court is provided and the crime of slander is defined and punished.

An act establishes a law of civil registration. This act is practically a re-enactment of the old Spanish provisions concerning the registration of the civil status of persons, with proper adaptation to the changes in general registration made during the American rule of the Island.

An act establishes a general system of sanitation in Porto Rico. This act shows a decided purpose towards the centralization of authority in the hands of the insular or state officials over matters of sanitation which were formerly vested in city officials.

RHODE ISLAND.

There has been no legislation in that state during the past year of any general importance.

SOUTH CAROLINA.

Any banking corporation or trust company with a capital of at least \$25,000 is permitted to act as executor, administrator, receiver, assignee, guardian or trustee.

Corporations are required to issue new certificates of stock to shareholders whose certificates have been lost or destroyed.

An act to annul any clause in a contract providing for a less time in which suit may be brought on such contract than is provided by the Statute of Limitations as to such causes of action.

An act provides for the custody of destitute, abandoned and unprotected children.

The hours of labor of women employed in mercantile establishments are limited to 60 hours per week, not to exceed 12 hours in any one day, and to work not later than 10 o'clock P. M.

The adoption of children is regulated by statute.

Printed copies of statutes, codes, decided cases, or other written laws enacted by any state or sovereignty purporting to be published under the authority thereof, are admitted in the courts as presumptive evidence of such laws without further proof.

SOUTH DAKOTA.

The conduct of proceedings seeking the removal or suspension or disbarment of an attorney-at-law upon behalf of the Supreme Court (which has jurisdiction of such proceedings) and the accuser, if there be one, are to be in the charge of the attorney-general, and that in the course of such proceedings the Supreme Court shall have the right at any time to require the accuser to give an undertaking with sureties conditioned that the accuser will pay any judgment which may be rendered against him in the proceedings.

The proposed constitutional amendments and laws or measures submitted to electors under the referendum or initiative are to be brought to the attention of the electors by the County Auditor sending to them through the mail pamphlet copies of such amendments, laws and measures, in lieu of by publication of the same in newspapers. The amendments, laws and measures shall not be printed in full upon the official ballots at the election, but the ballots shall merely show their titles.

A law confers upon the County Judge power to order deaf or blind children sent to some public or private school for the education of the deaf or blind in order that they may receive proper education if they are being deprived of a proper education by the refusal or neglect of their parents or guardians.

Provision is made for the imposing by the court upon certain classes of persons convicted of crime of a so-called indeterminate sentence, which shall not be less than the minimum nor longer than the maximum term provided by law for the crime of which the prisoner was convicted, and the length of the term of the sentence to be determined by the warden and Board of Charities and Correction upon facts and conclusions established by a scientific study and observation of the habits, disposition, character, conduct and general tendencies of the convict, and also conferring upon the warden and State Board of Charities and Corrections the power to parole any such convict.

The anti-treat liquor law enacted in 1909 is repealed.

The Secretary of State is to certify to county auditors the names of candidates to be voted upon at party primary elections.

The Secretary of State is to first arrange the names of the candidates for each office in alphabetical order and then rotate such names in order among the various counties, so that the name of each candidate will appear at the head of the list in approximately as many counties in the state as the name of any other candidate, and so that the name of each candidate will appear at the end of the list in approximately as many counties in the state as the name of any other candidate.

A so-called Employers' Liability Law is enacted so far as common carriers by railroad while engaged in intrastate commerce are concerned. Contributory negligence by the employee shall not bar recovery, but damages shall be diminished by the jury in proportion to the amount of negligence attributed to the employee.

Cities may levy a tax not exceeding one (1) mill each year on all taxable property within the city for the purpose of creating a fund to be used in advertising their possibilities and advantages as a home and as a location for factories and other legitimate enterprises.

TENNESSEE.

When any child has been placed in an institution organized for the purpose of maintaining, supporting and educating orphan and destitute children, with the consent of its parent, guardian, or custodian, no parent, guardian or other person shall have the right to take the child from the institution against the consent of the institution except by habeas corpus proceedings; and this shall apply to all existing institutions of that character, and shall apply to all children in such institution, whether now or hereafter placed therein.

The county courts, held by the county judge or chairman, shall always remain open for the transaction of business over which such courts now have jurisdiction.

Process shall be returnable the first Monday coming, five days after service of such process.

An act protects the eye-sight of the newly born.

An act protects the wires, cables, towers, poles, insulators of transmission lines for electric power in the state, and makes it

unlawful to cut, break, or otherwise injure or destroy the wires, cables, towers, poles and insulators of transmission lines for carrying electric power.

An act prohibits the sale or purchase, or shooting for sale or shipment of robins in the State of Tennessee; and makes the violation of the law a misdemeanor, punishable by fine of not less than \$5 nor more than \$25 for each offense.

A law secures to married working women the right to receive payment of their own wages when such married woman is dependent upon such wages for the support of herself or her children, provided she gives notice in writing to her employer. In such event it is unlawful for such employer to pay her wages to any other person except herself; and payment to any other person is of no effect and does not bar the right of such married woman to collect such wages herself.

Also authorizes her to prosecute a suit for such wages without the aid of a next friend or the joining of her husband as party plaintiff; and authorizes such suit to be brought under the pauper's oath; and repeals all laws or parts of law in conflict with this act, and takes effect upon its passage.

The Superior Appellate Courts of the state are forbidden to reverse any case tried or triable by jury in the lower courts, and to dismiss same upon the merits without giving parties an opportunity, through their counsel, to be heard by oral argument in such appellate courts.

This applies to all such cases brought into said appellate courts by certiorari as well as those brought up by appeal or writ of error.

It is made a misdemeanor for any person to use the automobile of another without the permission or consent of the owner, and provides fine of not less than \$25 nor more than \$50, and imprisonment, in the discretion of the court.

An act regulates the trial of civil cases with regard to suggestion of remittiturs; and provides that when the trial judge suggests a remittitur, the party may make same under protest and appeal the case. The Appellate Court may consider the propriety of such remittitur.

This is made applicable not only to remittiturs suggested by the trial court, but to remittiturs suggested by the Court of Civil Appeals. In the event the Appellate Court thinks such remittitur should not have been required and that the verdict was not so excessive as to indicate passion, prejudice, caprice, partiality or corruption on the part of the jury, the Appellate Court shall affirm the judgment for the full amount rendered by the jury.

An act provides that no verdict or judgment shall be set aside or new trial granted for any of the appellate courts of this state in any civil or criminal cause on the ground of error in the charge of the judge to the jury, or on account of improper admissions or rejection of evidence, or for error in acting on any pleading, demurrer or indictment or for error in any procedure in the cause, unless in the opinion of the Appellate Court, to which application is made for an examination of the entire record in the cause, it shall affirmatively appear that the error complained of has affected the results of the trial.

The age of consent is raised from 18 years to 21 years. No person shall be convicted upon the unsupported evidence of the female in question; and evidence of the reputation of such female for unchastity is admissible in behalf of the defendant

TEXAS.

A statute of general importance is a law prohibiting the exhibition of prize fights and other immoral shows by means of moving pictures.

Amendments to Arts. 4549 and 4550, Revised Statutes, were adopted, which substantially provide that, where a railroad is sold under a decree of a court, the purchasers can neither act under the old franchises nor incorporate under the existing laws, without paying or assuming all subsisting liabilities and claims for death and for personal injuries sustained in the operation of the railroad by the company, or by any receiver thereof, and for loss of and damage to property sustained in the operation of the railroad by the company and by any receiver thereof, and for the current expenses of such corporation including labor, sup-

plies and repairs, provided that all such subsisting claims and liabilities shall have accrued within two years prior to the beginning of the receivership resulting in the sale of the railroad property and franchises, or within two years prior to the sale, if sale be made without receivership proceedings. Claims in suit at time of sale or appointment of receiver are treated as claims accruing within two years.

A bills of lading act was adopted governing the issuance, delivery and effect of bills of lading issued by all carriers except express and pipe line companies. The substance of this act is to make carriers responsible for the acts of their agents in issuing bills of lading to innocent third holders of said bills.

An act establishing a new prison system provides for the creation of a board of prison commissioners, and for the management, control and treatment of prisoners.

An act authorizes the joining of a suit for rent with an action of forcible detainer.

A married woman, with the consent of her husband, may have her disabilities of coverture removed and be declared a femme sole for mercantile and trading purposes.

An act authorizes newspapers and railroads to contract for advertising to be paid for in transportation.

An act extends the jurisdiction of the Railroad Commissioners over all public wharves, docks, piers, elevators and warehouses; with power to fix and adopt rates and charges, etc., and to correct abuses and prevent unjust discrimination.

UTAH.

COMMISSION LAW.

By an act approved May 20, 1911, the municipal government of all cities of the first class is vested in a board of five commissioners, consisting of a mayor and four commissioners, and in cities of the second class in a board of commissioners consisting of a mayor and two commissioners, to be known as the board of commissioners of the respective cities.

The executive and administrative powers, authorities and duties not possessed by the mayor and council of the respective cities are distributed among five departments.

Laws deal with the subject of child labor and the law prohibits selling, giving or furnishing any cigar, cigarette or tobacco in any form, or any opium or other narcotic in any form, to any person under twenty-one years of age, except upon prescription of physicians.

Convict labor may be used in providing material for constructing state roads and in the construction and improvement of state roads, and county jail prisoners may be required to work upon county roads. The State Road Commission has supervision of state road work, and the County Commission that of county road work.

VERMONT.

An act provides for a state ornithologist, who shall investigate the distribution, food, habits and utility of the birds of Vermont, and publish the information.

An act protects the state from forest fires.

The employment of child labor is repealed.

Various statutes were adopted defining automobiles and motor vehicles; providing for the rating of their power, dealers' certificates, registration, operators' licenses, badges, registration of non-residents, seals, lights, and the disposition of fees received from licenses of automobiles; providing that these shall be expended on the highways.

A law was adopted in regard to corporations formed by voluntary association, modifying the liability of directors and stockholders and allowing the issuance of preferred stock.

An act provides for the punishment of murder in the first degree and giving to the jury the right to fix the penalty either at death or at imprisonment for life.

An act prevents the "white slave" traffic.

Expectoration on sidewalks, in public buildings, in railroad cars, stations and waiting-rooms is prohibited.

WASHINGTON.

Cities of the first class are allowed to provide in their charters for recall of elective officers and for the initiative and referendum.

Cities with such charter powers may provide for nominations for such recall election by certificate of nomination signed by not less than five per cent of the votes cast for the incumbent against whom the recall is directed.

Constitutional amendment for recall of all elective officers, except judges of courts of record, is to be submitted to vote in the general election of 1912.

The Uniform Law relating to wills executed outside of the state has been adopted as recommended by the Commissioners on Uniform State Laws.

An act provides for permanent highways along main lines of travel through the state, at the expense in part of property along the line of the highway.

A resolution submits to public vote at the November, 1912, general election proposed amendments of the Constitution for the initiative and referendum. Ten per cent of the legal voters are required to initiate a measure.

An act provides an insurance code systematizing and safeguarding insurance business in all lines. It is an elaborate instrument drawn in general on the lines of recent insurance legislation in eastern states.

An act provides as to service of jurors in courts of record.

A new feature is as to service by women on juries. They having become electors under a constitutional provision adopted at the annual election in 1910, are subject to jury duty. The law provides that a woman may be excused therefrom at her own request, by so notifying the sheriff.

Compensation of injured employees is provided. A commission of three is to be appointed to pass on all claims of that character. This commission is to award damages according to schedule of compensation fixed in the act. All defenses, except that of intentional injury of the workman himself, are abrogated. The funds are provided by assessments levied on the different industries based upon the pay-roll for the previous years, and the funds thus raised for each particular industry as classified in the act are to be used for compensation of injury in case of that industry, so that one industry does not assist to pay for another,

but only pays for injury in its own class. If larger funds are raised by the first assessment than are necessary, as shown by the results after the first three months, assessments are suspended until more money is needed.

The nomination and election of judges of courts of record, original and appellate, are to be on non-partisan judiciary ticket.

The smaller cities may govern themselves under the commission plan.

A public service commission of three persons having general supervisory and regulating power over all public service companies is created on the lines of the New York legislation on that subject.

A case may be removed from trial before a judge who is charged by affidavit to be prejudiced against a party or an attorney.

Forest protection by fire wardens and forest rangers is provided.

WEST VIRGINIA.

An act provides for an amendment of the law prohibiting the manufacture and sale of intoxicating liquors, and for a vote of the people to be taken at the general election to be held in 1912 ratifying the same.

A law against pandering was adopted and also a law against pimping.

An act amends the Code to pleadings in causes, to speed the action.

WISCONSIN.

Laws of general interest are reported as follows:

An Employers' Liability or Industrial Insurance Law, modelled as far as it was thought practicable after the law of Germany. It is optional with the manufacturer whether he operates under the law or not. If he elects to ignore it as he may he is deprived of the defense of assumption of risk and fellow servant rule. If he operates under the law his liability for accidents is matter of contract under the law and it is supposed that litigation in court will be wholly unnecessary.

A Corrupt Practices Act carefully limiting the amount of lawful expenditure and specifying the lawful purposes. It is not materially different from the best and most thorough-going measures on that subject.

A law providing women's suffrage has been adopted, but it is made subject to a referendum. If it be adopted at the general election of 1912 by a majority vote of the people it will then go into effect.

The necessary joint resolution has been adopted by both houses providing for the submission to the people of a constitutional amendment permitting the legislature to enact laws for the initiative, referendum and recall.

WYOMING.

A joint resolution submitting to the people an amendment of the constitution establishing the initiative and the referendum.

An act providing for the nomination of candidates for public office by direct primary.

ACTS OF THE THIRD SESSION OF THE 61ST CONGRESS.

Chapter 33.—Authorizing clerks of the Circuit Courts of Appeal to appoint a deputy.

Chapter 47.—To diminish the expenses of proceedings on appeal and writs of error. This act requires appellant or plaintiff in error to the U. S. Circuit Courts of Appeal to print and file twenty-five copies of the record, one of which is to be certified by the clerk below, and eliminates the written or typewritten copy. In case a cause is taken to the U. S. Supreme Court, copies of the printed record filed in the lower court are transmitted to the Supreme Court and used without cost in making up the record in that court. The effect of this act is to do away with double transcripts and double printing and the attendant costs.

Chapter 103.—Compelling common carriers in interstate commerce to equip locomotives with safe and suitable boilers and appurtenances and providing a system of inspection for such boilers and appliances.

Chapter 105.—Providing for the purchase or erection in foreign countries of embassy, legation and consular buildings.

By this act the Secretary of State is authorized to acquire in foreign countries such buildings for the use of the diplomatic and consular establishments of the United States, and to alter, repair and furnish the same; such buildings to be used both as residences of diplomatic officials and for offices.

Chapter 113.—An act amending Section 5 of the Trade Mark Act of February 20, 1905, so as to permit the registration of the name or part of the name of the applicant.

Chapter 114.—To authorize United States marshals and their chief deputies to administer oaths to persons presenting to them claims and accounts for payment.

Chapter 186.—Giving the consent of the Congress to each of the several states in the union to enter into agreements or compacts with any other state or states for the purpose of conserving the forests and the water supply of the states entering into such agreement or compact.

This act makes an appropriation to enable the Secretary of Agriculture to co-operate with any state or group of states in the protection from fire of the forested water-sheds of navigable streams. It further makes, for the fiscal year ending June 30, 1910, an appropriation of \$1,000,000, and, for each fiscal year thereafter, until June 30, 1915, an appropriation of \$2,000,000, for use in the examination, survey and acquirement of lands located on the headwaters of navigable streams. The act further creates a commission to be known as the "Natural Forest Reserve Commission" to purchase such lands; said lands to be held and administered as national forest lands.

Chapter 187.—Protecting the dignity and honor of the uniform of the United States by making it a misdemeanor for the manager, proprietor or employee of any theater or other public place of entertainment in the District of Columbia, or in any territory or insular possession of the United States, to make any discrimination against any person lawfully wearing the uniform of the United States in any branch of its service.

Chapter 231.—To codify, revise and amend the laws relative to the judiciary.

ACTS OF THE EXTRA SESSION OF THE 62D CONGRESS.

Congress was still in session when this report was made. The only acts of note which had become law were the following:

Act No. 3.—An act to promote reciprocal trade relations with the Dominion of Canada, known as the "Reciprocity Act."

Act No. 5.—An act for the apportionment of Representatives in Congress among the several states under the 13th Census, fixing the membership of the House of Representatives after the 3d day of March, 1913, at 433 members.

An act to provide for the publicity of contributions for the purpose of influencing the elections at which Representatives in Congress are elected. This act prohibits any candidate for Representative from giving, contributing, expending, using or promising any sums in the aggregate exceeding \$5000, in any campaign for his nomination and election. A Senator is similarly limited to \$10,000. Sworn statements of all expenditures must be filed with the Clerk of the House of Representatives at Washington by candidates for Congress, and with the Clerk of the Senate by candidates for the Senate, not less than ten nor more than fifteen days before the time for holding any primary election or nominating convention, and not less than ten nor more than fifteen days before the day of the general or special election at which the person is to be elected.

ANTI-TRUST LEGISLATION AND LITIGATION.

ANNUAL ADDRESS BY
WILLIAM B. HORNBLOWER,
OF NEW YORK.

Twenty-one years ago Congress passed the so-called "Sherman Anti-Trust Law."

This designation of the law is a misnomer. The law as it stands is not attributable to Senator Sherman, nor is the law properly called an "anti-trust law."

Senator Hoar says in his Autobiography that this law is called the Sherman Act "for no other reason that I can think of except that Mr. Sherman had nothing to do with framing it whatever" (Vol. II, p. 363).

The word trust acquired an unenviable prominence in the eighties and became the familiar and common expression for a combination of competing interests under one management. Today, and for many years past, the so-called trust in its original sense has become rare, but the expression survives and has assumed a generic significance as indicating and connoting every form of combination of competing interests. The original trust arrangement was, as will be remembered, an arrangement whereby a number of competing manufacturers, individual or corporate, while retaining their individual or corporate identity and their individual or corporate ownership of their respective properties, put into the hands of trustees their respective interests, the trustees being clothed with the right to dictate to the respective competitors the terms on which they should compete, the amount and character of their output and the prices at which the output should be sold. The term trust soon became a term of opprobrium and has so remained. The large combinations of capital which now exist in various branches of industry have inherited the opprobrium attaching to this term. To call a

combination or a corporation a trust is to excite public condemnation and to put the combination or the corporation on the defensive.

The statute passed in 1890 by Congress is entitled, "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies." We still for purposes of convenience continue to call the law the Sherman Anti-Trust Law, although it is not the Sherman Law as originally reported by the Finance Committee of the Senate of which Senator Sherman was chairman and although it is not particularly directed against trusts, but is directed generally against contracts or combinations or conspiracies in restraint of trade and also against monopolizing.

This law was carefully framed, amended and re-amended and was debated in detail by the ablest lawyers in Congress, some of the ablest lawyers who ever sat in that body, including such men as Senators Edmunds, of Vermont, and George F. Hoar, of Massachusetts. One would have supposed that if ever a statute would prove to be unambiguous, intelligible and enforceable, this would be that statute; yet it is safe to say that no statute ever passed since the foundation of the government has been the subject of more difference of opinion or the cause of more perplexity, both to judges and lawyers, than this same statute. Three times have the justices of the United States Supreme Court been divided in opinion on the question of its construction; twice by a vote of five to four and once by a vote of five to three.

In its latest phase, the question of construction has been the occasion for a most violent and impassioned dissent by the senior justice of the court from the views expressed by the Chief Justice, concurred in by all the associate justices, except the senior justice, who in his dissenting opinion has accused his brethren of judicial legislation and of practically nullifying the will of Congress as expressed in the statute and of reversing their previous decisions.

The reason why the eminent and able lawyers who framed this statute failed in their attempt to enact a law which should be clear and unambiguous, is a reason which inheres in all

attempts to provide for a large class of cases by statutory enactment. The principles of the common law grow by a process of organic growth. The law slowly develops and enlarges to meet actual cases and existing situations. The law is made by applying principles of morality and public policy and sound reason to a given state of facts. On the other hand, law-making by legislation must undertake to deal with a vast number of complicated situations thereafter to arise, and must deal with such situations either by very general phraseology which will be dangerous when applied to all possible cases coming within the apparent meaning of the language or else it must go into great detail and deal with the subject matter in its various phases.

With regard to the subject matter attempted to be covered by the Sherman Law, there were peculiar difficulties and dangers.

As I have pointed out on a prior occasion, the requisites of a proper statute are:

(1) That its language should be capable of application to all cases covered by such language construed in its ordinary and natural sense;

(2) That it should be applicable to all persons and corporations coming within its terms without arbitrary discrimination;

(3) That it should be clear and certain in its provisions so that all persons can be guided thereby.

This statute fails to comply with any one of these requisites.

The first section of the act provides that "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several states or with foreign nations, is hereby declared to be illegal."

The phrase contracts "in restraint of trade," as used in the common law decisions, primarily had reference to contracts by which a merchant or manufacturer agreed to sell to a competitor in the same line of business the goodwill of his business, such sale to be accompanied by a covenant on the part of the vendor to refrain from competition. Such contracts were originally held to be void as against public policy because necessarily restraining trade. The leading case on this subject is *Mitchel vs. Reynolds*, 1. P. Wms. 181. Gradually, however, such

contracts came to be recognized as valid in cases where the covenant to refrain from competition was limited in time and space so as to be not an unreasonable restriction or as the courts sometimes stated it, a restriction no greater than was necessary in order to protect the vendee in the right to the use of the property purchased by him, or as it was otherwise put, a contract "in partial restraint of trade" as distinguished from a contract "in general restraint of trade." It was with regard to such contracts that the words *reasonable* and *unreasonable* came to be used and contracts in reasonable restraint of trade, were sustained by the courts, while contracts which were in unreasonable restraint of trade were condemned by the courts. The test of what is a reasonable or an unreasonable restraint of trade has been gradually liberalized by the courts from time to time until now, as laid down by the Court of Appeals of New York in the Diamond Match Case (106 N. Y. 473), and by the House of Lords in England in the Nordenfelt Case (L. R. (1894) Appeal Cases, 535), a covenant by a vendor to refrain from competition is valid even though practically unrestricted as to time and space, provided it is necessary for the protection of the vendee that an unrestricted covenant should be made.

There were, however, other classes of contracts which came within the condemnation of the common law as "in restraint of trade," such as contracts between competitors to regulate prices or to prevent competition among themselves or by rivals. These classes of contracts were held to be illegal as tending to raise prices or to create a monopoly by limiting competition. These classes of contracts were evidently intended to be covered by the statute.

Manifestly, however, if the statute were to be construed literally as declaring "every" contract in restraint of trade to be illegal and if that phrase were to be construed as meaning that every contract which *actually* restrains trade or competition shall be illegal, not only would it run counter to the common law, but it would be practically meaningless and unenforceable. This is clearly pointed out by Judge Lacombe in delivering his opinion in the Tobacco Case where he uses the

striking and telling example of a contract between "two individuals who have been driving rival express wagons between villages in two contiguous states, who enter into combination to join forces and operate a single line." As Judge Lacombe well points out, such combination operates to "restrain an existing competition" (164 Fed. Rep. 702). This of course amounts to a *reductio ad absurdum*, the only escape from which is to say, as has been said by some of the defenders of the literal construction of the law, that the law was not designed and will not be interpreted by the courts to apply to trifles. The suppression, however, of competition between two rival expressmen may be as important to a small community as the suppression of competition between two great railroad systems is to a large community.

The objections to Section 1 of this act were emphatically pointed out by no less a person than President Roosevelt. In his annual message to Congress under date of December 8, 1908, he said:

"I believe that it is *worse than folly* to attempt to prohibit *all* combinations as is done by the Sherman Anti-Trust Law, because such a law can be enforced only *imperfectly* and *unequally*, and its enforcement works almost as much hardship as good."

The second section of the act—with regard to "monopolizing," is equally incapable of a literal interpretation or a literal enforcement. This section reads: "Every person who shall monopolize, or *attempt to monopolize*, or combine or conspire with any other person or persons to monopolize, *any part* of the trade or commerce among the several states, or with foreign nations, shall be deemed guilty of a misdemeanor."

The absurdity of this section if literally construed and enforced is well pointed out by Judge Ward in his dissenting opinion in the Tobacco Case in the U. S. Circuit Court (164 Fed. Rep. 727):

"As this section prohibits a monopoly of or an attempt to monopolize any *part* of such commerce, it cannot be literally construed. So applied, the act would prohibit commerce altogether."

The same criticism is forcibly made by Judge Sanborn in delivering the opinion of the court in *Whitwell vs. The Continental Tobacco Co.*, 125 Fed. Rep. 454:

“But is every attempt to monopolize any *part* of interstate commerce made unlawful and punishable by Section 2 of the Act of July 2, 1890, C. 647, 26 Stat. 209? If so, no interstate commerce has ever been lawfully conducted since that act became a law, because every sale and every transportation of an article which is the subject of interstate commerce is a successful attempt to monopolize that part of this commerce which concerns that sale or transportation. An attempt by each competitor to monopolize a part of interstate commerce is the very root of all competition therein. Eradicate it, and competition necessarily ceases—dies. Every person engaged in interstate commerce necessarily attempts to draw to himself, and to exclude others from, a part of that trade; and, if he may not do this, he may not compete with his rivals, and all other persons and corporations must cease to secure for themselves any part of the commerce among the states, and some single corporation or person must be permitted to receive and control it all in one huge monopoly.”

In fact this statute never has been and never can be literally and strictly applied. To so apply it would produce chaos in the business world.

The statute must be applied not according to its language, but according to its reasonable meaning or else it becomes the instrument of injustice and of ruin to the mercantile community.

The phrase “restraint of trade” as used by the courts is, as I understand the cases, the equivalent of restraint of competition, that is to say, if free competition be restrained, trade is restrained.

It has been claimed with great insistence that there is a distinction between “restraint of trade” and “restraint of competition,” and that the latter is not unlawful except as it results in the former, and if the restraint of competition does not in fact restrain the volume or extent of trade, there is no illegal restraint of trade, and it is further insisted that this distinction has been

recognized by the Supreme Court in its recent opinions in the Standard Oil and Tobacco cases.

With all due respect for the ability of those who support these views, I am unable to concur in their conclusions.

The common-law meaning of "restraint of trade" was certainly "restraint of competition." The numerous cases in the common law courts discussing the validity or invalidity of contracts in restraint of trade turn on the question of whether they reasonably or unreasonably interfere with free competition. As is said in the head-note to the opinion of Mr. Justice Harlan in the Northern Securities Case, 193 U. S. 198: "The Anti-Trust Act has prescribed the rule of *free competition*." "The natural effect of competition is to increase commerce, and an agreement whose direct effect is to prevent this play of *competition* restrains instead of promotes trade and commerce."

It is because the agreements in the *Addyston Pipe* Case (175 U. S. 211), the *Montague* Case (193 U. S. 38), and the *Swift* Case (196 U. S. 38) *restrained competition* that they were held to be in *restraint of trade*, and finally, in the *Standard Oil* Case and the *Tobacco* Case, it is because the combinations in these cases were held to unduly restrain free competition that they were held to be in *undue restraint of trade*.

It is said by Mr. Chief Justice White in the recent Standard Oil Case, speaking of the common law decisions:

"It is also true that while the principles concerning contracts in restraint of trade, that is, voluntary restraint put by a person on his right to pursue his calling, hence only operating subjectively, came generally to be recognized in accordance with the English rule, it came moreover to pass that contracts or acts which it was considered had a monopolistic tendency, especially those which were thought to *unduly diminish competition* and hence to enhance prices—in other words, to monopolize—came also in a generic sense, to be spoken of and treated, as they had been in England, as restricting the due course of trade, and therefore as being in restraint of trade."

And again:

"The dread of enhancement of prices and of other wrongs which it was thought would flow from the *undue limitation of*

competitive conditions caused by contracts or other acts of individuals or corporations, led, as a matter of public policy, to the prohibition or treating as illegal all contracts or acts which were unreasonably *restrictive of competitive conditions*, either from the nature or character of the contract or act or where the surrounding circumstances were such as to justify the conclusion that they had not been entered into or performed with the legitimate purpose of reasonably forwarding personal interest and developing trade, but on the contrary were of such a character as to give rise to the inference or presumption that they had been entered into or done with the intent to do wrong to the general public and to limit the right of individuals, thus restraining the free flow of commerce and tending to bring about the evils, such as enhancement of prices, which were considered to be against public policy."

In stating the conclusions of the court, the Chief Justice says:

"In view of the common law and the law in this country as to the restraint of trade, which we have reviewed, and the illuminating effect which that history must have under the rule to which we have referred, we think it results: (a) That the context manifests that the statute was drawn in the light of the existing practical conception of the law of restraint of trade, because it groups as within that class, not only contracts which were in restraint of trade in the subjective sense, but all contracts or acts which theoretically were attempts to monopolize, yet which in practice had come to be considered as in restraint of trade in a broad sense."

In the Tobacco Case, there was no proof that the volume of trade had been in fact restrained. On the contrary, the proof showed an enormous increase of the volume of trade and a large increase in the number of independent dealers during the existence of the American Tobacco Company, but the court held that there was an intent to restrict or suppress competition and to form a monopoly which rendered the combination obnoxious to the statute as a combination "in restraint of trade."

As one of the counsel who argued the Tobacco Case before the Supreme Court, appearing in that court in behalf of the Imperial Tobacco Company of Great Britain and Ireland, I ought to say in justice to myself and in justice to my client, so far as it was involved in the conclusion arrived at by the court, and in

justice to the American Tobacco Company, that I did not regard and do not now regard the testimony as justifying the sweeping condemnation announced by the court on the facts, or the decision arrived at by the court, even as to the American Company, much less as to the Imperial Company. I concur, however, fully in the views expressed by the court as to the construction of the statute, as I shall hereafter more fully point out.

Taking it as established that "restraint of trade" means restraint of competition, the necessity of a reasonable construction of the statute is clearly apparent.

While the maxim that "competition is the life of trade" is in a certain sense a correct proposition, yet there is a point at which competition becomes the death of trade. It may well be that two competitors, carrying on business in competition with each other, may engage in such ruinous competition by cutting prices or otherwise that one or the other must necessarily be driven to the wall. Unless therefore one or both of those competitors can protect himself or themselves by a mutual agreement involving the sale of the property of one to the other, or by a combination to regulate prices, one or the other must be forced to the wall and thus practical monopoly will result. Undue competition may thus lead to monopoly while a reasonable regulation or a reasonable arrangement between the competitors may prevent monopoly. A rigid and drastic statute overreaches itself, while a reasonable and just statute, which is readily enforceable, will accomplish beneficial results. Prohibition of all combinations and of all restraint of trade is unwise. Civilization means co-operation; co-operation means combination; combination means restraint of competition.

There has been so much misunderstanding and so much intentional or unintentional misrepresentation of the recent opinions of the U. S. Supreme Court in the Standard Oil and the Tobacco Cases and so much unjust and unfounded criticism of those opinions as an alleged departure from and repudiation of the previous decisions of the court, that a brief review of the decisions is necessary to a clear understanding of the situation.

The extremists have opened the vials of their wrath upon the court, and sarcasm, abuse and even threats have been freely indulged in by those who inveigh against what they call judicial legislation.

Let us endeavor to consider the history of the litigation calmly and dispassionately and see how far the critics are justified in their attacks on the court. I shall not hope to satisfy the radical who "sees red" or the pessimist who "thinks blue"; but I shall hope to convince the calm intelligence of the American Bar Association that there never was a more uncalled for, unwarranted or unjustified attack upon a judicial opinion.

In this review of the decisions, it is well to bear in mind what is said by Senator Hoar (Autobiography, Vol. II, p. 364), as to what was intended by its framers:

"It was expected that the court, in administering that law, would confine its operation to cases which are contrary to the policy of the law, treating the words 'agreements in restraint of trade' as having a technical meaning, such as they are supposed to have in England. The Supreme Court of the United States went in this particular farther than was expected. In one case it held that 'the bill comprehended every scheme that might be devised to restrain trade or commerce among the several states or with foreign nations.' From this opinion several of the court, including Mr. Justice Gray, dissented. It has not been carried to its full extent since, and I think will never be held to prohibit the lawful and harmless combinations which have been permitted in this country and in England without complaint, like contracts of partnership, which are usually considered harmless. We thought it was best to use this general phrase which, as we thought, had an accepted and well-known meaning in the English law, and then after it had been construed by the court, and a body of decisions had grown up under the law, Congress would be able to make such further amendments as might be found by experience necessary."

The first great legal battle over the meaning and application of the statute took place within two or three years after its enactment and was an attempt to deal with the so-called Sugar Trust and to put an end to a great and growing power of control over one of the necessities of life. The attempt, however, to

reach the Sugar Trust was a failure. The Supreme Court held in the Knight Case (156 U. S. 1), that the statute was not intended to "assert the power to deal with monopoly directly as such; or to limit or restrict the right of corporations created by the states or the citizens of the states in the acquisition, control or disposition of property; or to regulate or prescribe the price or prices at which such property, or the products thereof, should be sold; or to make criminal the acts of persons in the acquisition and control of property which the states of their residence or creation sanctioned or permitted." The bill in the Knight Case seems to have been drawn in such shape as to fail to sufficiently disclose that the Sugar Trust was actually carrying on the business of interstate trade or commerce in the *manufactured product*.

The next great legal battle took place in the Trans-Missouri Case and the Joint Traffic Case, both of which were instituted within two or three years after the passage of the act. It might reasonably have been expected that these cases would settle once and for all what the statute meant and what were its applications and its limitations. Unfortunately the decisions in these cases were but starting points for new uncertainties and furnished *obiter dicta* which have misled the Bench and the Bar in subsequent cases and which remained until 1911 the source of new perplexities. Both of these cases were decided by a bare majority of the court.

The prevailing opinion in the Trans-Missouri Case contained *dicta* which were understood to mean that every contract which operated in restraint of trade was invalid under the statute whether such contract was reasonable or unreasonable. The main ground of contention in that case was whether the Sherman Law applied to railroad companies engaged in interstate transportation so far as to prohibit mutual regulation by agreement of rates for transportation. The majority of the court held that it did, the minority of the court dissenting on this proposition. Incidentally the majority opinion as delivered by Mr. Justice Peckham announced the proposition that the Sher-

man Law applies to all combinations in restraint of interstate or foreign trade or commerce without exception or limitation and that the prohibitions of that section are not confined to unreasonable restraints of such trade or commerce, Mr. Justice Peckham saying in his opinion:

“It is now with much amplification of argument urged that the statute in declaring illegal every combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce, does not mean what the language used therein plainly imports, but that it only means to declare illegal any such contract which is in unreasonable restraint of trade while leaving all others unaffected by the provisions of the act; that the common law meaning of the term ‘contract in restraint of trade’ includes only such contracts as are in unreasonable restraint of trade, and when that term is used in the federal statute it is not intended to include all contracts in restraint of trade, but only those which are in unreasonable restraint thereof. The term is not of such limited significance.”

United States *vs.* Freight Ass’n (166 U. S. 327).

It was most unfortunate that the learned justice who delivered the opinion of the court used this language which was really an *obiter dictum*. All that was really decided by the court in that case was that a contract to regulate rates made between railroad companies carrying on a public service business as common carriers, exercising public franchises, was against public policy as in restraint of trade and came within the prohibition of the Sherman Law irrespective of the question of whether the rates prescribed were reasonable or unreasonable, or whether the agreement would operate beneficially or injuriously. The circumstance that the combination between the railroad companies was capable of being operated so as to prescribe unjust or unreasonable rates was held to be sufficient to bring it within the intent of the statute, even though the actual operation of the combination was beneficial to the community.

Mr. Justice Peckham, however, followed up his *obiter dictum* by a very emphatic statement which he subsequently enlarged upon in the Joint Traffic Case and by which he carefully warned against the very construction which was subsequently placed

upon these decisions by the profession and by some of the lower courts, and even by the Supreme Court itself in subsequent cases. Thus, in the opinion of Mr. Justice Peckham as delivered in the Joint Traffic Case (171 U. S. 566), he says:

“ We also repeat what is said in the case above cited that ‘ the act of Congress must have a *reasonable construction* or else there would scarcely be an agreement or contract among business men that could not be said to have indirectly or remotely some bearing upon interstate commerce and possibly to restrain it.’ To suppose, as is assumed by counsel, that the effect of the decision in the Trans-Missouri Case is to render illegal most business contracts or combinations, however indispensable and necessary they may be, because as they assert, they all restrain trade in some remote and indirect degree, is to make a most violent assumption, and one not called for or justified by the decision mentioned, or by any other decision of this court.”

Mr. Justice Peckham further says:

“ In dwelling upon the far-reaching nature of the language used in the act as construed in the case mentioned, counsel contend that the extent to which it limits the freedom and destroys the property of the individual can scarcely be exaggerated, and that ordinary contracts and combinations, which are at the same time most indispensable, have the effect of somewhat restraining trade and commerce, although to a very slight extent, but yet, under the construction adopted, they are illegal.

“ As examples of the kinds of contracts which are rendered illegal by this construction of the act, the learned counsel suggest all organizations of mechanics engaged in the same business for the purpose of limiting the number of persons employed in the business, or of maintaining wages; the formation of a corporation to carry on any particular line of business by those already engaged therein; a contract of partnership or of employment between two persons previously engaged in the same line of business; the appointment by two producers of the same person to sell their goods on commission; the purchase by one wholesale merchant of the product of two producers; the lease or purchase by a farmer, manufacturer or merchant of an additional farm, manufactory or shop; the withdrawal from business of any farmer, merchant or manufacturer; a sale of the good will of a business with an agreement not to destroy its value by engaging in a similar business; and a covenant in a deed re-

stricting the use of real estate. It is added that the effect of most business contracts or combinations is to restrain trade in some degree.

"This makes quite a formidable list. It will be observed, however, that no contract of the nature above described is now before the court, and there is some embarrassment in assuming to decide herein just how far the act goes in the direction claimed. Nevertheless, we might say that the formation of corporations for business or manufacturing purposes has never, to our knowledge, been regarded in the nature of a contract in restraint of trade or commerce. The same may be said of the contract of partnership. It might also be difficult to show that the appointment by two or more producers of the same person to sell their goods on commission was a matter in any degree in restraint of trade.

"We are not aware that it has ever been claimed that a lease or purchase by a farmer, manufacturer or merchant of an additional farm, manufactory or shop, or the withdrawal from business of any farmer, merchant or manufacturer, restrained commerce or trade within any legal definition of that term; and the sale of a good will of a business with an accompanying agreement not to engage in a similar business was instanced in the *Trans-Missouri Case* as a contract not within the meaning of the act; and it was said that such a contract was collateral to the main contract of sale and was entered into for the purpose of enhancing the price at which the vender sells his business."

Mr. Justice Peckham further states the real point decided and the only point decided as follows (171 U. S. 568):

"*The question really before us is whether Congress, in the exercise of its right to regulate commerce among the several states, or otherwise, has the power to prohibit, as in restraint of interstate commerce, a contract or combination between competing railroad corporations entered into and formed for the purpose of establishing and maintaining interstate rates and fares for the transportation of freight and passengers on any of the railroads parties to the contract or combination, even though the rates and fares thus established are reasonable. Such an agreement directly affects and of course is intended to affect the cost of transportation of commodities, and commerce consists, among other things, of the transportation of commodities, and if such transportation be between states it is interstate commerce. . . .*

“Has not Congress with regard to interstate commerce and in the course of regulating it, *in the case of railroad corporations*, the power to say that no contract or combination shall be legal which shall restrain trade and commerce by shutting out the operation of the general law of competition? We think it has.”

The learned Justice proceeds to discuss at length the nature of the franchises of a railroad, and on page 570 says:

“We do not think, when the grantees of this public franchise are *competing railroads* seeking the business of transportation of men and goods from one state to another, that ordinary freedom of contract in the use and management of their property requires the right to combine as one consolidated and powerful association for the purpose of stifling competition among themselves, and of thus keeping their rates and charges higher than they might otherwise be under the laws of competition. And this is so, even though the *rates* provided for in the agreement may for the time be not more than are *reasonable*. They may easily and at any time be increased. It is the *combination of these large and powerful corporations* covering vast sections of territory and influencing trade throughout the whole extent thereof, and acting as one body in all the matters over which the combination extends, that constitutes the alleged evil, and in regard to which, so far as the combination operates upon and restrains interstate commerce, Congress has power to legislate and to prohibit.”

In view of these carefully measured statements of Mr. Justice Peckham in the Trans-Missouri Case and in the Joint Traffic Case, and in view of his express statement that “the act is to have a reasonable construction,” it is difficult to understand the criticism that has been made upon the language of Mr. Chief Justice White in the recent decisions in the Standard Oil and Tobacco Cases, to the effect that the statute is to be interpreted by the “light of reason.”

Furthermore, in the case of the *Northern Securities Company*, 193 U. S. 197, which, as will be remembered, was a case dealing with the question of restraining trade and commerce between competing railroads, by the device of a holding company, holding a majority of the stock of the two competing companies, the court

divided five to four on the question of the illegality of such a holding company, but Mr. Justice Brewer took occasion to say, in concurring with the majority, that he wished to modify his concurrence in the opinion of Mr. Justice Peckham in the Trans-Missouri Case, so far as that opinion stated that "every" contract or combination in restraint of trade was within the statute, whether "reasonable or unreasonable." As Mr. Justice Brewer was one of the five justices whose concurrence made up the majority necessary to a decision in the Trans-Missouri Case, his expression of opinion in the Northern Securities Case made the unfortunate *obiter dictum* of Mr. Justice Peckham the *dictum* of a *minority* instead of a majority of the court and deprived it of any binding authority in subsequent cases.

Mr. Justice Brewer, in his opinion in the Northern Securities Case, said (193 U. S. 361) :

"I think that in some respects the reasons given for the judgments cannot be sustained. Instead of holding that the Anti-Trust Act included all contracts, reasonable or unreasonable, in restraint of interstate trade, the ruling should have been that the contracts there presented were unreasonable restraints of interstate trade, and as such within the scope of the act. That act, as appears from its title, was leveled at only unlawful restraints and monopolies.

"Congress did not intend to reach and destroy those minor contracts in partial restraint of trade which the long course of decisions at common law had affirmed were *reasonable* and fit to be upheld. The purpose rather was to place a statutory prohibition with prescribed penalties and remedies upon those contracts which were in direct restraint of trade, *unreasonable* and against public policy. Whenever a departure from common law rules and definitions is claimed, the purpose to make the departure should be clearly shown. Such a purpose does not appear and such a departure was not intended."

He further says (at p. 364) :

"I have felt constrained to make these observations for fear that the broad and sweeping language of the opinion of the court might tend to unsettle legitimate business enterprises, stifle or retard wholesome business activities, encourage improper disregard of reasonable contracts and invite unnecessary litigation."

In view of these emphatic statements of Mr. Justice Brewer, one of the majority in the Trans-Missouri Case, in which he expressly repudiates the "reasonable or unreasonable" *dictum*, it is difficult to understand how any one can assert that that *dictum* is binding in subsequent cases on the principle of *stare decisis*, or that to call that *dictum* in question is sacrilege.

The situation after the Northern Securities Case was thus forcibly put by the Hon. Simeon E. Baldwin, the present Governor of Connecticut, at the time Chief Justice of that state, in 1904, in his work on "American Railroad Law," on page 16 of the first edition, in a footnote:

"That the phrase 'agreements in restraint of trade' was adopted by the framers of the Sherman Act, supposing that it would be given the same construction accepted by the English courts, see George F. Hoar's 'Autobiography,' II, 364. Mr. Justice Brewer, by whose concurrence in the judgment the decision mentioned in the preceding note (viz., the Northern Securities Co. Case) was reached, in his opinion approves such a construction as will make the act applicable only to unreasonable contracts and combinations which are in direct restraint of trade."

Judge Baldwin then adds:

"It seems probable that this will ultimately be the prevailing view."

A brief résumé will be needful of the other decisions of the Supreme Court intermediate between the Trans-Missouri and Joint Traffic Cases and the latest cases of the Standard Oil and the Tobacco Companies bearing on the interpretation and application of the Sherman Law to mercantile and manufacturing combinations and contracts.

Two cases decided at the same term of court as the Trans-Missouri and Joint Traffic Cases, U. S. *vs.* Hopkins, 171 U. S. 579, and U. S. *vs.* Anderson, 171 U. S. 604, were decided in favor of the defendants, the opinions in both of these cases being delivered by Mr. Justice Peckham—the same judge who had delivered the opinions in the Trans-Missouri and Joint Traffic Cases.

In the opinion in the Hopkins Case, Mr. Justice Peckham reiterates the statement that the statute must have a "reasonable construction," and repeats what he had said in the Traffic Cases:

"The Act of Congress must have a reasonable construction or else there would scarcely be an agreement or contract among business men that could not be said to have, indirectly or remotely, some bearing upon interstate commerce, and possibly to restrain it" (171 U. S. 600).

The famous *Addyston Pipe* Case, 175 U. S. 211, involved an agreement between a number of rival and competing manufacturers to the effect that there should be *no competition* between them in certain states and territories. It was held that the "*direct, immediate and intended effect*" of the agreement was the "*enhancement*" of the "*price*."

The agreement contemplated "fake" bids by the rival competitors and fixing the price at which one of the competitors could obtain the contract desired and below which none of the parties to the agreement was allowed to bid. The agreement would have been held to be against public policy and illegal at common law.

This *Addyston* contract was so flagrantly a violation not only of the letter, but of the spirit of the Sherman Act that it is difficult to conceive of any combination or conspiracy which could be brought within the act if that contract were held not to be within it.

In the very careful, able and elaborate opinion delivered by Judge Taft in this case in the U. S. Circuit Court of Appeals (85 Fed. Rep. 271), the authorities on "restraint of trade" at common law are exhaustively reviewed and the distinction is clearly pointed out between valid and invalid contracts "in restraint of trade."

At p. 282, Judge Taft says:

"In *Horner vs. Graves*, 7 Bing. 735, Chief Justice Tindal, who seems to be regarded as the highest judicial authority on this branch of the law (see Lord Macnaghten's judgment in

Nordenfelt *vs.* Maxim Nordenfelt Co. [1894] App. Cas. 535, 567) used the following language: 'We do not see how a better test can be applied to the question whether this is or not a *reasonable restraint of trade* than by considering whether the restraint is such only as to afford a fair protection to the interests of the party in favor of whom it is given, and not so large as to interfere with the interests of the public.' "

The case of *Montague vs. Lowry*, 193 U. S. 38, was a case where there was a combination of wholesale dealers in tiles, mantels and grates, who conspired to confine the business in California to the members of the combination, by *refusing to sell or deliver* tiles, grates or mantels to any other party in California and who conspired to *raise the prices* of those articles in the California market. The combination was one which would have been illegal at common law as against public policy:

The case of *Swift & Co. vs. U. S.*, 196 U. S. 375, involved a *combination of independent meat dealers*, who agreed not to *bid against each other* in the live stock markets, to *bid up prices for a few days* in order to induce shipments to the stock yards, to *fix selling prices* and to that end to *restrict shipments* of meat when necessary, to establish a uniform rule of credit to dealers, *and to keep a black list*, to make *uniform and improper charges for carriage*, and to *secure less than lawful freight rates to the exclusion of competitors*.

Assuming that that was a case of interstate commerce within the meaning of the Sherman Law, as was held by the court, it would be difficult to conceive of any element of a combination for unlawful restraint of trade or of an attempt to monopolize which was lacking in the *Swift Case*.

The case of *Chattanooga Foundry vs. Atlanta*, 203 U. S. 390, was a sequel of the *Addyston Pipe Case*, the action being brought by the city of Atlanta against two of the members of the trust or combination which had been held unlawful in the *Addyston Case*. The only questions really discussed by the court in that case were as to the right of the city to maintain the action and as to the statute or limitations of Tennessee.

In the case of *Shawnee Compress Company vs. Anderson*, 209 U. S. 423, an agreement of lease had been held by the

Supreme Court of the territory of Oklahoma to be void as an unreasonable restraint of trade and as against public policy.

In the case the lessor company had agreed with the lessee company not only to go out of the field of competition and not to enter that field again, but had further agreed "*to render every assistance to prevent others from entering it.*" There were other facts in the case showing that the lease was in aid of a scheme of monopoly on the part of the lessee company, the Gulf Compress Company. It was shown that the lessee company was in the business of leasing and operating competing compresses for the purpose of monopolizing as far as possible the business of compressing cotton in a large portion, if not all, of the cotton raising districts of the United States, and that the lease was procured from the Shawnee Company in pursuance of said scheme, and other leases of other compressors were also secured for like purposes "and that it is the design of the Gulf Compress Company to *increase the charge of compressing cotton.*"

In the lease the Shawnee Company had agreed not only to refrain from competition, but to "*render the 'Gulf Company' every assistance in discouraging unreasonable and unnecessary competition.*" It further appeared from the evidence that the Gulf Company had announced in a letter to the Shawnee Company in effect its purpose to create as far as possible a monopoly of the compressing business (page 433). It further appeared (page 434) that the "Gulf Company was a close corporation which, starting in Alabama, rapidly extended from Alabama to all the cotton growing territory."

The court recognized the principle announced in the *Trans-Missouri* and *Joint Traffic* Cases, "That the sale of the good will of a business with an accompanying agreement not to engage in a similar business was not a restraint of trade within the meaning of the Sherman Act." The court said:

"The principle is well understood. The restraint upon one of the parties must not be greater than protection to the other party requires, and it needs no further explanation than is given in *Gibbs vs. Baltimore Gas Co.*, 130 U. S. 396. The Supreme Court of the territory recognized the principle, but said:

‘Tested by the general principles applicable to contracts of this character, *this agreement is far more extensive in its outlook and more onerous in its intention than is necessary to afford a fair protection to the lessee.*’ ”

The case of *Continental Wallpaper Co. vs. Voight Sons*, 212 U. S. 227, was a case of an agreement between a number of manufacturers who organized a *selling company* through which their *entire output was sold to such persons only as would enter into a purchasing agreement by which their sales were restricted*. It was held that the clear effect of this arrangement was to restrain and monopolize. The agreement provided for selling to jobbers for the account of the Continental Wallpaper Company *at particular specified prices*, with particular discounts. The company was a selling company, organized *to control all the selling business* of the manufacturing wallpaper corporations, partnerships and persons who owned the stock of the Continental Wallpaper Company and who made separate contracts with that corporation giving it entire control of the selling business of the manufacturers. The illegality of this arrangement seemed to the court too clear for discussion, and was not in fact discussed by the court, the only question discussed and decided being whether a purchaser of goods at the stipulated prices could avoid payment on the ground that the vendor company was an illegal combination.

In each and all of the cases which the court held to be obnoxious to the Sherman Act the contracts or combinations were clearly in “unreasonable” or “undue” restraint of trade, and would have been illegal at common law.

On the other hand, in *Cincinnati Packet Company vs. Bay*, 200 U. S. 179, it is said by Mr. Justice Holmes at page 184, in upholding a covenant not to compete made in connection with a sale:

“It is argued, to be sure, that the last mentioned covenant is independent and not connected with the sale of the vessels. The contrary is manifested as a matter of good sense, and is proved even technically by the words ‘it is also agreed as a part of the consideration of this agreement.’ *By these words the*

covenant not to do business between Cincinnati and Portsmouth for five years is *imported into the sale* of the ships, and made one of the conventional inducements of the purchase. *The price is paid not for the vessels alone, but for the vessels with the covenant.* So, still more clearly, the parallel installments for five years are paid for the covenant, at least in part. It is said that there is no sale of good will. But the covenant makes the sale.

"Presumably all that there was to sell, beside certain instruments of competition, was the competition itself, and the purchasers did not want the vendors' names.

"This being our view of the covenant in question, whatever differences of opinion there may have been with regard to the scope of the Act of July 2, 1890, there has been *no intimation from any one*, we believe, *that such a contract, made as part of the sale of a business* and not as a device to control commerce, *would fall within the act.* On the contrary, it has been *suggested repeatedly that such a contract is not within the letter or spirit of the statute* (*United States vs. Trans-Missouri Freight Association*, 166 U. S. 290, 329, *United States vs. Joint Traffic Association*, 171 U. S. 505, 568), and it was so decided in the case of a patent, *Bement vs. National Harrow Co.*, 186 U. S. 70, 92. It would accomplish no public purpose, but simply would provide a loophole of escape to persons inclined to elude performance of their undertakings if the sale of a business and temporary withdrawal of the seller necessary in order to give the sale effect were to be declared illegal in every case where a nice scrutiny could discover that the covenant possibly might reach beyond the state line. We are of opinion that the agreement before us is not made illegal by either of the provisions thus far discussed."

Coming now to a consideration of the recent decisions of the Supreme Court in the Standard Oil Case and in the Tobacco Case, I submit that the opinions in these cases are in consonance with and not a repudiation of the previous decisions of the court, so far as they distinguish between "reasonable" and "unreasonable" contracts.

In discussing these decisions I wish to once more point out, as I have already stated, that while I regard the opinions of the court, so far as they discuss the construction of the statute, as correct expositions of the meaning and intent of the statute, I do not wish to be understood as concurring in the conclusion

of the court as to the facts of the case or as to the application of the statute to the American Tobacco Company or the Imperial Tobacco Company of Great Britain and Ireland, the latter of which companies I represented on the argument in the Supreme Court.

The opinions of Mr. Chief Justice White do not, in fact, use the word *unreasonable* in defining the class of contracts prohibited by the statute, but substitute for that word the word "*undue*" or "*unduly*." The Chief Justice would have been justified by the previous decisions of the courts in using the term "unreasonable." The test, however, as actually laid down by the Chief Justice in his opinions in those cases and concurred in by all the justices except Mr. Justice Harlan, is that contracts are within the statute which *unduly* restrain trade.

It is quite true that this word apparently interjects into the statute a test which the statute itself does not apply. The statute says every contract in restraint of trade. The court says every contract in undue restraint of trade. By the insertion of this word undue or unduly, however, the statute is made logical, reasonable and enforceable. It is quite true that the test of what is a due or an undue restraint of trade is left an open question which the court must decide in each case as it comes up, upon the facts and circumstances of that case, but the same is true of a vast number of other matters which are the subject of litigation. Where a hard and fast rule cannot be applied, then it is necessary that discretion should be allowed to the courts in determining between what is lawful and what is unlawful, what permissible and what not permissible.

Just what did the Supreme Court hold in the Standard Oil and Tobacco Cases? And just how would the law read if these opinions were set aside by legislation? Let us test the logic of those who criticise these opinions as judicial legislation by making them read as the critics would have them read.

In the Standard Oil opinion, Mr. Chief Justice White says that the statute "evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not *unduly* restrain interstate or

foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an *undue restraint*."

And again, the Chief Justice, referring to the second section of the act, which prohibits monopolizing, says: "The ambiguity, if any, is involved in determining what is intended by monopolize. But this ambiguity is readily dispelled in the light of the previous history of the law of restraint of trade to which we have referred and the indication which it gives of the practical evolution by which monopoly and the acts which produce the same result as monopoly, that is, an *undue restraint of the course of trade*, all came to be spoken of as, and to be indeed synonymous with restraint of trade."

And again he says that the purpose of the statute "was to prevent *undue restraint* of every kind or nature."

And again, speaking of the remedies to be awarded by the court, he says: "The fact must not be overlooked that injury to the public by the prevention of an *undue restraint* on, or the monopolization of trade or commerce is *the foundation upon which the prohibitions of the statute rest*, and moreover that one of the fundamental purposes of the statute is to protect, not to destroy, rights of property."

In the Tobacco Case, the Chief Justice says: "It was held in the Standard Oil Case that as the words restraint of trade at common law and in the law of this country at the time of the adoption of the Anti-Trust Act only embraced acts or contracts or agreements or combinations which operated to the prejudice of the public interests by *unduly restricting competition* or *unduly obstructing the due course of trade* or which, either because of their inherent nature or effect or because of the evident purpose of the acts, etc., *injuriously restrained trade*, that the words as used in the statute were designed to have and did have but a like significance."

Now, let us eliminate the word *unduly* and substitute *duly* and see how the statute would read: "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint

of trade or commerce (even though it *duly* restrains such trade or commerce) among the several states or with foreign nations, is hereby declared to be illegal."

The absurdity of any such statutory declaration is manifest.

The Chief Justice applies the "rule of reason" to the statute and holds that the statute is to have a "reasonable construction," but in so doing, he simply follows the decision of the court in the Trans-Missouri Case and quotes the exact language of Mr. Justice Peckham in his opinion in that case.

Surely the most extreme champion of literal construction of this act, would hardly venture to amend the act, so as to read: "This act shall *not* have a reasonable construction—shall *not* be subject to the 'rule of reason' and shall *not* be interpreted by the 'light of reason.'"

It is urged that this leaves the law uncertain. True; but uncertainty is better than the ghastly certainty of business chaos, which would assuredly result if the law should be enforced according to its language as invalidating and penalizing every combination in actual restraint of trade. Verily, "the letter killeth" in this case.

Let us try to understand what literal interpretation and enforcement would mean in practice. It is difficult to arrive at a conclusion on this subject, since the most ultra-radical of the supporters of a literal interpretation are staggered when presented by concrete instances. Take, for example, the most common case of a contract in restraint of trade, that is to say, of a contract in restraint of competition, namely, a partnership. Two individual dry-goods merchants, competing with each other in interstate business, that is to say, in selling and shipping goods to the various states of the union, combine and form a firm. Thereby competition is *pro tanto* eliminated. It is at once protested, of course, that that is not a violation of the Sherman Law. But why not? I have yet to hear any satisfactory answer to this question. It is certainly a contract and a combination. It is certainly in restraint of competition, and, therefore, in restraint of trade. If the statute is to be literally and impartially and thoroughly enforced, then every partnership

between individuals engaged in interstate commerce must be enjoined.

So, when several individual competing manufacturers or traders carrying on interstate commerce unite to form a corporation, why is that not a combination in restraint of competition—that is to say, in restraint of trade? I have yet to hear any intelligible answer to this question. If the statute is to be equally and impartially enforced according to its letter, then every corporation whose stockholders formerly competed in interstate business must be enjoined, and this, of course, would cover a vast proportion of the manufacturing corporations in the United States.

A fortiori would this be true, where two or more corporations unite to form a third, to whom their properties are transferred, or where one corporation sells its business to another and agrees to go out of business itself.

A thousand similar instances can be suggested as to which the statute if literally construed would apply. What is said by the advocates of a literal interpretation to these instances? What tests do they lay down to discriminate between the cases where the law should be enforced and the cases where it should not be enforced? I have yet to hear any satisfactory answer to this question. Of course, the test cannot be the magnitude of the interests involved—since that at once makes a basis of discrimination based upon considerations on which the judgment of courts may differ and *ipso facto* makes the law uncertain which they say ought to be certain and not subject to judicial discrimination.

The truth is, and there is no logical escape from the conclusion, that a literal interpretation and an impartial enforcement of the statute would stop the wheels of industry and would paralyze trade.

As President Roosevelt forcibly put the situation: “It is a public evil to have on the statute books a law incapable of full enforcement, because both judges and juries realize that its full enforcement would destroy the business of the country.” (Annual Message to Congress, 2d Session, 59th Congress.)

I cannot believe that if the American people with their hard-headed common sense and sense of justice really understood what is meant by the clamor for a literal interpretation and enforcement of the law, they would tolerate it for a moment. Even on the lowest plane of self-interest, they would object to having the law applied to the thousands of combinations of small capital throughout the country. They may enjoy the slaughter of the Philistines; but they can hardly fall in love with suicide.

The law as interpreted by the Supreme Court has been sufficiently effective to catch some of the biggest fishes, the Beef Trust, the Standard Oil and the American Tobacco Company. The little fishes may well be allowed to escape through the meshes of the net.

After all, the whole basis of our Anglo-Saxon jurisprudence rests upon the discretion and discrimination of the courts, who work out for the community the rules of public policy guided by the light of reason. Better far the discretion of the courts than the discretion of the executive.

I have thus far considered the statute in its civil aspect, as affecting the right of the courts to apply remedies at law or in equity. When we come to consider the law in its criminal aspect, we find ourselves confronted by a somewhat different and very serious situation.

Public opinion appears now to be clamoring for victims. It is not satisfied with damages or injunctions or possible receiverships, but punishment of individuals is loudly called for. Protests are even made against mere pecuniary fines. Actual imprisonment of the offenders is demanded. "Thumbs down" appears to be the state of mind of the spectators of the conflict between the government and the so-called "trust magnates." This state of mind is largely because of resentment at the results accomplished by the combinations and the power which they have acquired, rather than because of "righteous indignation" at the methods pursued in accomplishing the results or acquiring the power. The anger excited by the "swollen fortunes" of the multi-millionaires has much to do with this state

of mind. We are in danger of losing our heads and of plunging into a crusade of vindictive attacks, not only upon capital, but upon capitalists. We are in danger of forgetting that even the rich man has rights which cannot be wantonly disregarded without danger to the poor man.

For myself, and at the risk of being out of accord with the present state of public sentiment, I do not hesitate to say, as I have said before in discussing this statute on public occasions, that the sweeping penal provisions of this law are unwise and unjust, and should be made more limited in their scope and much more definite and certain.

Penal statutes involving personal punishment which are not based on moral distinctions are wrong in principle. To punish by imprisonment a man who has violated a prohibitory statute by performing an act which is *malum prohibitum*, but not *malum in se*, shocks the sense of justice. Of course, there are certain *mala prohibita* which are so clearly definable that personal punishment for a wanton disregard of them is appropriate; but such instances are exceptional. Where, however, the act which is *malum prohibitum* is not precisely defined, but is covered only by such general language as "restraint of trade," personal punishment is unfair and unjust.

Restraint of trade is not *per se* an immoral act, nor is a contract or combination in restraint of trade *per se* an immoral transaction. Its morality or immorality depends upon the accompanying circumstances.

There may be and frequently are acts of moral turpitude committed in the creation or in the conduct of combinations in restraint of trade. Such acts of moral turpitude, if properly defined in advance, may well be made criminal.

Such acts of moral turpitude are, for instance, the use of unfair means to suppress competition and to crush out rivals, and agreements with competitors to raise prices or to restrict production.

To make "restraint of trade" criminal, irrespective of its character and purposes and irrespective of the methods pursued

to accomplish the restraint, is to punish alike the intentional malefactor and the honorable and upright business man who has been guilty only of a technical violation of a prohibitory law. Especially is this true if the literal constructionists be taken at their word. If every contract or combination in restraint of trade is criminal, then as we have already seen the most ordinary and usual and hitherto innocent transactions may land a man in jail. Sales of business and good will, partnership agreements, formation of corporations between competitors in interstate commerce, all are illegal if the law be strictly enforced, and if the test of reasonableness or unreasonableness be not applied. There is absolutely no escape from this conclusion if the critics of the recent decisions of the Supreme Court were to have their way. The entire business community would be practically under the ban of the law and the jails of this country would not suffice to hold the criminals. No wonder that President Roosevelt said, with his customary vigor of language and force of expression :

“It is profoundly immoral to put or keep on the statute books a law, nominally in the interest of public morality, that really puts a premium upon public immorality, by undertaking to forbid honest men from doing what must be done under modern business conditions, so that the law itself provides that its own infraction must be the condition precedent upon business success.”

(President Roosevelt's Annual Message to the 1st Session of 60th Congress.)

The only escape from this condemnation of the penal features of this law is to apply the very test of reasonableness which the Supreme Court, as we have seen, has applied, not only in its latest decisions which have been so fiercely attacked by the literal constructionists, but in the *Trans-Missouri* and *Joint Traffic Cases* themselves.

So far as I can recall, the criminal features of the act have not yet come before the Supreme Court, except incidentally, as for instance, on the question of the right to examine corporate

books before a Grand Jury and the application of the statute of limitations. What that court will hold when the criminal provisions of the Sherman Act shall come squarely before it, on an appeal from an actual conviction of an individual defendant indicted for "restraint of trade" is a debatable question.

It has been very forcibly urged that the statute, while sufficiently definite to support a civil suit, at law or in equity, is altogether too vague and indefinite to support a criminal indictment. The absence of all definition of what constitutes restraint of trade or monopolization would seem to leave to the arbitrary decision of a petit jury what acts should be criminally punished.

Here, again, however, we find the recent decisions of the Supreme Court to be clarifying in that they have supplied a distinction between what are legal and what are illegal restraints of trade and to that extent have made the statute more definite and certain. Not *all* contracts or combinations in restraint of trade, but only those in *undue* restraint of trade are criminal. True, it must be left to the jury to say what is a *due* and what is an *undue* restraint of trade. Nevertheless some test is laid down and the jury must exercise the same function as in many other cases where under proper instructions from the court, they are called on to pass in criminal as well as civil cases upon questions of due care or undue recklessness or negligence, or other similar questions.

The probabilities are that in view of its previous decisions on the questions heretofore submitted to it, the Supreme Court will uphold the penal provisions, if the indictment be sufficiently specific as to the overt acts and if the jury be properly instructed as to the necessity of finding that the "restraint" was "unreasonable" or "undue."

But whether the Supreme Court does or does not uphold the criminal provisions as sufficiently definite to be enforced, I submit that it is unwise and unjust and fraught with danger to individuals engaged in business enterprises to leave the penal provisions in such general language and covering acts not *per se* immoral. The criminal provisions should be amended so as to

be made more specific and so as to bring within their scope only acts involving moral turpitude and clearly definable.

There are three evils to be apprehended from combinations in restraint of trade and from monopolization:

1. Crushing out of competitors.
2. Increase of prices to consumers.
3. Decrease of prices to producers of raw material.

So far as any one of these evils is the result of unfair business methods, such unfair business methods are not only matters for civil cognizance, but may properly be remedied by penal statutes, which shall prescribe punishment to the offenders. Furthermore, any agreement or combination which has for its direct and immediate object the crushing out of competition or the increase of prices to consumers or the lowering of prices to producers may be regarded as *per se* immoral and may well be made not only illegal, but punishable criminally.

Various suggestions have been made looking toward other amendatory legislation.

Certain ultra-radical champions of the anti-trust campaign are clamorous to overrule by new legislation, the "rule of reason" decisions of the Supreme Court in the Standard Oil and the Tobacco Cases. It is difficult to perceive how such legislation can be accomplished.

A proposition to enact that the statute shall *not* have a reasonable construction and shall *not* be interpreted by the "light of reason" is, as I have already pointed out, a proposition that can hardly commend itself to even the most radical of the critics of the Supreme Court.

A proposition to insert in the statute the words "reasonable or unreasonable" so that the statute should read "every contract or combination in restraint of trade whether reasonable or unreasonable shall be illegal," seems to be equally unthinkable. It is claimed that the Supreme Court has judicially legislated so as to insert the word "unreasonable" into the act. As a matter of fact, as I have already pointed out at some length, the court uses the word "undue" or "unduly," so that to meet the decision of the court, the statute would have to be amended

so as to read "every contract or combination in restraint of trade, whether reasonable or unreasonable, whether in *due* restraint or in *undue* restraint of trade shall be illegal." A statute reading in this language would be on its face, I submit, a contradiction in terms. A "due restraint" cannot be an "illegal restraint."

Another suggestion for amendment of the statute, has the weight of the authority of the former President of the United States, who in his last annual message to Congress said: "I strongly advocate that instead of an unwise effort to prohibit *all* combinations, there shall be substituted a law which shall expressly permit combinations which are in the interest of the public, but shall at the same time give to some agency of the National Government full power of control and supervision over them."

This was in accordance with his often expressed division of trusts into "good trusts" and "bad trusts." According to President Roosevelt's scheme, as advocated in his message, this power of "control and supervision" was to be exercised "not by judicial, but by executive action, to prevent or put a stop to every form of improper favoritism, or other wrong-doing."

This idea of federal control by executive action has been carried further and made more explicit by others who have advocated a federal license for corporations doing an interstate business, which license should be revocable in case of wrong-doing by any such corporation or in case of a practical monopoly acquired by such corporation, by control of the whole or the greater part of any class of trade or commerce.

All these schemes for control by executive action, whether permissive or prohibitive, whether exercised by the President or by any subordinate authority, are, I submit, repugnant to our American traditions and principles. It has always been our boast that no one should be condemned except by the courts, after an opportunity to be heard and upon competent testimony. The Supreme Court said in *Garfield vs. Goldsby*, 211 U. S. 262: "As has been affirmed by this court in former decisions, there is

no place in our constitutional system for the exercise of arbitrary power." It seems to me incredible that the American people should consent to have their acts approved or condemned and their property rights and their business rights licensed or outlawed by executive mandate.

If this is to become a government by executive edict or by bureaucratic domination, the days of Republican institutions are certainly numbered. I for one am not prepared to admit that we are reduced to this extremity.

Another suggestion has been recently exploited and has the support of able advocates, namely, the creation by the federal government of a commission or a number of commissions who shall have power to regulate prices of articles of interstate commerce. This suggestion has been approved and advocated by some of the "trust magnates" themselves. It has even received the tentative approval of the Attorney-General in a recent public address as a scheme inviting consideration, though it has not received his definite approval or endorsement.

To my mind, this is, with all due deference to its able advocates, an appalling suggestion. The imagination is staggered when one undertakes to think out soberly and calmly what the suggestion means. Articles of interstate commerce include all articles dealt in throughout the United States—the power to fix prices means the power of life and death to the various industries engaged in trade and commerce. Not only that, but it means the right to control the prices of the necessities of life to the "ultimate consumer." What the average American and his wife and children shall eat and drink and wherewithal they shall be clothed depend upon the prices to be paid for such necessities of life.

To confer such a power upon any body of men, however wise and however incorruptible, seems to me, as I have already said, appalling. Nothing short of omniscience can enable such a commission to perform its work with intelligence and with safety to the best interests of producer and consumer. The analogy of the Interstate Commerce Commission is an imperfect

analogy. That commission has to do with a single subject—the regulation of railroads. The problems to be considered are comparatively simple; there are certain general principles common to all railroads which can be applied to the subject. Besides, the railroads are carrying on a public business and are charged with public duties.

The regulation of prices of a thousand articles of manufacture, affecting the business interests of millions of producers and the domestic affairs of millions of consumers is a task from which the boldest man may well shrink.

Even if the law of supply and demand and the regulation of prices by competition have broken down and if the laws against “restraint of trade” are not adequate to meet the situation—and if some remedy for the situation is necessary—we must surely find some remedy less revolutionary than this, which means arbitrary power in its most objectionable form.

I have refrained from discussing the economic questions lying back of repressive and restrictive measures such as the Sherman Law. These questions are too far-reaching and too controversial to be appropriate to this occasion. I have assumed for the purposes of this discussion that the policy of the Sherman Law is a sound policy and that restriction and prohibition and penalizing of great combinations of capital are wise and expedient.

It is open to debate whether we have not made a step backward instead of a step forward in civilization towards the days of the anti-engrossing statutes of three centuries ago.

Certainly the law as it was supposed to stand before the recent decisions of the Supreme Court was decidedly a step backward. The prohibition of every contract in restraint of trade whether reasonable or unreasonable, whether in due or in undue restraint of trade, was clearly a step backward and if enforced would have put an effectual embargo on business enterprises and would have paralyzed trade and commerce.

Is it not time to call a halt on further legislation against business interests and to let business adjust itself to the present law as interpreted by the Supreme Court? I am inclined to believe that the highest point of consolidation has been reached

in manufacturing and trading enterprises and that hereafter under the operation of natural and economic laws the tendency will be to fall apart, to separate and to segregate. However this may be, I believe that the Sherman Law as interpreted and enforced by the Supreme Court is quite adequate, so far, at least, as civil remedies are concerned, to meet any further attempts at dangerous aggregations of capital. I protest against any further experiments in drastic legislation, especially in the direction of conferring arbitrary power upon the executive branch of the federal government which will be perilous, if not fatal, to our republican institutions.

THE NEW FEDERAL JUDICIAL CODE.

BY

JUSTICE HENRY B. BROWN,

OF THE U. S. SUPREME COURT (RETIRED).

The present federal judicial system had its inception in the Articles of Confederation of 1778, which, imperfect as they were, did contain the suggestion of a judicial power afterwards embodied in the Constitution. The changes wrought by the new Judicial Code cannot be fully appreciated without a reference to the various steps taken toward the expansion and practical application of this suggestion in the growth of the present system.

The Articles of Confederation did not create an independent government—hardly even the skeleton of a government. They were aptly termed “Articles of Confederation,” since the union contemplated by them was a true confederacy—a mere league—much like the Achæan League or the Amphictyonic Council of Greece, the Hanseatic League of the Middle Ages and the numerous alliances between European powers—convenient as temporary expedients for protection against foreign aggression, but liable to be disrupted at any moment by the withdrawal of one of their elements. The title assumed of “The United States of America” was almost a misnomer, since they were united by no bond which could not be broken at the will of a recalcitrant state. It is true the union was declared to be perpetual, but no means were provided for securing its perpetuity, although no important action could be taken without the consent of nine states. It had no executive head, but a committee of the states was given limited executive power. It had no power to raise an army, except by requisitions upon the states, though it had power to build and equip a navy. It had no money to pay its soldiers and sailors, and no courts to enforce its commands. It had abundant power to borrow money,

but no funds to repay it, except by requisitions upon the several states, which were generally disregarded. Throughout its deliberations it was apparent that the jealousy of the states among themselves was second only to their hostility to the mother country, which was the occasion of their confederation. As little power as possible was given to Congress; as much as possible was reserved to the states. It was really formed for the single purpose of carrying on war with the mother country, and contained the seeds of its own dissolution when that purpose had been accomplished. As soon as the exigency which had called the states together had passed, the confederacy began to crumble in pieces. But in all this chaos of things granted, things half granted and things not granted at all, in the Articles of Confederation, there was a germ of a judicial system in the provision for appointing courts for the trial of piracies and felonies committed on the high seas, and for determining appeals in all cases of captures—which was really the origin of our admiralty jurisdiction—and the further power that Congress should be the last resort on appeal in all disputes and differences between two or more states concerning their boundaries, jurisdiction or any other cause whatever; and an elaborate scheme was set forth in the appointment of Commissioners or Judges, to constitute a court for the trial of these cases and their final adjudication. This was manifestly the forerunner of the original and now extensive jurisdiction of the Supreme Court of suits between the states, and the successor of the King in council who had theretofore passed upon disputes between the colonies.

That this judicial power, limited though it might have been, was actively exercised during the existence of the confederation, is evidenced from a number of cases found in the records, and notably that of the sloop *Active*, U. S. vs. Peters, 5 Cranch. 45, in which Chief Justice Marshall not only sustained the power of Congress to establish a court of appeal in prize cases, but held that it was superior to the state courts. In this case the Court of Admiralty, the Supreme Court and the legislature of Pennsylvania had all acted in defiance of the Court of Appeals

established by Congress, and Congress itself had refused to enforce the decree of its own court. The governor of the state even went so far as to call out the militia to resist the mandate ordered by the Supreme Court—an act which was met by the marshal summoning a posse of two thousand men to enforce its order. The legislature finally sounded a retreat and appropriated the money to pay the decree. A report of the cases in this Federal Court of Appeals is contained in the early pages of 2d Dallas. An analysis of these cases shows that there were 110 prize cases decided by the various commissioners of the Continental Congress, and the Court of Appeals. The business of this court, however, ceased with the treaty of peace of 1783.

The clause providing for the final determination of disputes between the states with respect to their boundaries was the occasion of much litigation, owing to the indefinite character of many of the royal grants, the imperfect delimitation of their frontiers, and the fact that the settled portions of two colonies might be separated by miles of unbroken wilderness inhabited only by savages and an occasional settler. So long as this state of things continued, an exact determination of their respective boundaries was of little importance, but as the population of the different colonies drew near together opportunities for friction were constantly increasing, and a judicial system became imperative.

To meet this exigency, the Congressional Court provided by the Articles of Confederation was adopted, and a number of cases were instituted, but one of which, however, proceeded to judgment. This was a suit between Connecticut and Pennsylvania, involving sovereignty over the Wyoming Valley, originally settled by colonists from Connecticut, who had remained in possession for ten years and until a military force was organized to drive them out. A state of war ensued, stockades and forts were erected, sieges undertaken, lives lost and prisoners taken. The case was finally submitted to Congress and was argued at Trenton for fifteen days before a court convened there, and the valley unanimously awarded to Pennsylvania.

So prolific of controversy was this provision of the Articles that at the time of the adoption of the Constitution eleven of the thirteen states were in litigation respecting their boundaries under their charters.

The steps taken by the confederation toward the foundation of a judicial system were supported by arguments especially applicable to each. The high seas belonged to nobody. They are the common property of all nations—a kind of no man's land—to use a solecism, and as Congress had power to build and equip a navy, it must have authority to condemn its prizes, and determine to whom the proceeds belonged. While several of the states did have admiralty courts of their own, their decisions were often conflicting, and animated as much by state pride as by a sense of justice. Its jurisdiction of disputes and differences between the states rests upon an even firmer foundation of necessity. The only alternative of such jurisdiction was war. That either of the two contending states should have power to settle the controversy in her own courts was simply inconceivable. A dispute which can be settled by one of the disputants without the consent of the other was never heard of. Hence it became absolutely necessary that Congress should act as arbiter.

An underlying difficulty connected with the whole judicial system of the confederation, if it can be called such, was that the Congressional Court had no officers to compel the execution of its decrees, and was forced to appeal to the state courts for assistance. Even if Congress had a claim in favor of the United States it could only enforce it through the state courts, and when the federal court made a decree, perhaps reversing the decree of the state court, it could only enforce that decree through the very officers of the state court whose decree it reversed. The state courts sometimes refused to enforce decrees of the federal court of appeal at all, and that court was powerless to enforce them itself. Congress could not punish offenses against the law of nations or even treason against itself or crimes against its postal or coinage laws, though power was given to establish postoffices and to coin and regulate the value of money.

It will be readily seen that this state of things was intolerable, and that the principal value of this system in the subsequent history of the country was its demonstration of the utter impracticability of carrying on an independent government without a judicial system of its own. It was really for the want of this, and of a revenue and treasury of its own that the calling of the Constitutional Convention became imperative to the continuance of a united government. Without these, the confederacy could not be called a nation.

The delegates to the Constitutional Convention of 1787 were absolutely united upon the one point of establishing a Supreme Court with supervising power, and for the special object of securing uniformity in the construction of the Constitution and laws of Congress. The results from the conflict and inharmonious decisions of thirteen different states upon questions where unity was indispensable, were thus happily avoided. The power of Congress to organize inferior courts was strenuously opposed, but was finally carried against the opposition of those who feared the subordination and final destruction of the state courts.

I do not propose to pronounce a general eulogy upon the work of this convention, or of the magnificent instrument which, as Adams subsequently remarked, was wrung from the grinding necessities of a reluctant people. Upon this subject panegyric has already exhausted itself. It is sufficient to say of the Constitution that each year it becomes more firmly imbedded in the hearts of the people, and that it is constantly receiving the flattery of imitation by new republics which have adopted it as a model for their own governments. Treating the first ten amendments as part of and supplemental to the original Constitution, the text of that instrument has been amended but twice, and but three times by addition to that text. I believe it is today the oldest written scheme of government in existence, except the Constitution of the Commonwealth of Massachusetts. We are interested, however, only in its judicial features.

The Supreme Court was vested with original jurisdiction in but two classes of cases.

1. Those affecting ambassadors and other public ministers and consuls.

2. Those in which a state shall be a party.

It was also granted such appellate jurisdiction as Congress should choose to authorize.

The jurisdiction of the inferior courts was limited in another paragraph of the same article. In it it was declared that the judicial power should extend:

1. To all cases arising under the Constitution and laws of the United States, and its treaties with foreign nations.

2. To such as affect representatives of foreign governments.

3. To all cases in admiralty.

4. To controversies in which the United States is a party.

5. To those between two or more states.

6. And finally to those dependent upon the alienage of one party, or diversity of citizenship, or the right to land under grants to different states.

No grant of criminal jurisdiction is expressly given, except the power to provide for the punishment of counterfeiting the securities and current coin of the United States, to define and punish piracies and felonies on the high seas and offences against the laws of nations. There is, however, a recognition of the power of Congress to enact criminal laws and defining expressly the crime of treason, and in various amendments to the Constitution, the right to an indictment and trial by jury is guaranteed, as well as immunities against excessive fines and cruel and unusual punishments. The power to make criminal laws may also be included in the express power granted by the last paragraph of Article I, Section 8, "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or any Department or officer thereof."

It may be observed generally with regard to the grant of judicial power in the Constitution that, wherever power is given Congress to legislate, there is a corresponding power to make that legislation effective by investing its courts with authority

to determine questions arising under its laws, as well as to prescribe penalties, and punish those guilty of an infraction of such laws. There is unhappily in every community a class of men who find it to their interests to evade laws intended for the protection of the public, or to extend laws of a remedial character to cases beyond their scope and ordinary signification. Within the limits imposed by the Constitution Congress has full power to make its legislation effective.

The Constitution thus fulfilled its obligation to the country by defining the judicial power under that instrument. It became the immediate duty of Congress to create and organize the inferior courts provided by it, and to parcel out and distribute among them the new jurisdiction. Congress at its first session responded to this demand by the Judiciary Act of 1789. This was probably the most important and the most satisfactory act ever passed by Congress. The honor of drafting it belongs principally to Oliver Ellsworth, afterwards Chief Justice of the Supreme Court. While it has been several times amended and its phraseology changed, the general structure established by it has remained essentially unaltered for a hundred and twenty years. This itself is a magnificent tribute to the wisdom of the act and the foresight of its draftsman.

After prescribing the number of Justices of the Supreme Court, the act proceeds to divide the country into thirteen districts—one for each state—and three circuits, with a district court for each district, and a circuit court for each circuit, composed of two Justices of the Supreme Court and a district judge—evidently a court of great dignity and importance. Both of these were courts of first instance. To the district courts was given jurisdiction of admiralty and maritime cases and seizures for violation of the revenue laws; of certain suits of limited amount by the United States, and of all suits by aliens for torts. It was also endowed with a very limited criminal jurisdiction, which was extended in 1842 to all cases not capital.

To the circuit courts was allowed jurisdiction concurrent with the state courts of law and equity of suits involving over \$500 in value, subsequently raised to \$2000, and again to \$3000, and

the United States are plaintiffs, or one party is an alien, or there is a diversity of citizenship. Also a jurisdiction of criminal cases, not already bestowed upon the district courts. This jurisdiction was also limited by certain restrictions as to the venue, and as to causes of action which had been assigned by the original party, which are still continued in force. Provision was also made for the removal to the circuit court of cases from the state courts which might have been originally begun in the circuit court.

The Supreme Court was vested with the original jurisdiction given by the Constitution, with a proviso in a few cases that it should not be exclusive. Power was also given to issue special writs of *scire facias*, *habeas corpus* and the like. An appeal was allowed from the district to the circuit court in admiralty cases involving \$300, subsequently reduced to \$50, and a writ of error in civil cases involving \$50, and also a writ of error from the circuit to the Supreme Court in cases involving \$2000.

By the 25th section, one of the most important and stoutly contested of all, a writ of error was allowed from the Supreme Court to the highest state court wherever a federal right was claimed and a decision made adverse to such right. The constitutionality of this law was denied in a unanimous opinion of the Supreme Court of Virginia and affirmed in a unanimous opinion of the Supreme Court of the United States reversing that case. It has furnished, particularly since the adoption of the Fourteenth Amendment, a large number of the most important cases to the Supreme Court, and its constitutionality is now universally acquiesced in.

A singular provision of the 29th section requires that capital cases shall be tried in the county where the offense was committed, if it can be done without great inconvenience. This clause is probably unknown to most members of the Bar; has never been put in force, and yet, has been carried through successive revisions to the present day. It seems to belong to the lumber room of federal jurisprudence.

The remainder of this famous act is taken up by details of organization and procedure, such as the appointment of clerks,

marshals and district attorneys; the selection and empanelling of juries; the production of books and papers; the taking of depositions and the service of process, most of which remain practically unchanged. Indeed, the most wonderful thing about the act is that, while the number of districts and judges has been enormously increased, and its different sections have been broken up and rearranged, its phraseology altered, and the jurisdiction of the courts enlarged—notably by the inclusion of suits upon patents and copyrights and by cases arising out of the recent amendments to the Constitution—the leading features of the act and its general structure are practically the same as in 1789.

It will be noticed that by the Judiciary Act the power of the courts to issue writs of error is limited to civil cases. This remained the law until 1879, when the circuit courts were given power to issue writs of error to the district courts in criminal cases, and in 1889 the Supreme Court was authorized to issue writs of error to any court of the United States in capital cases. It may be said to the credit of the district and circuit courts that, in the ninety years in which their judgments were made final in criminal cases, I know no case in which it was charged that their power was oppressively exercised, and that a writ of error was finally allowed more from a conviction that a criminal ought not to be deprived of any remedy allowed to parties in civil cases, than from any belief that this power had been abused in practice. The same sentiment has brought about the establishment of a court of criminal appeals in England. Within certain limitations this power of review is certainly a proper one, though it is a mistake to suppose that under any conceivable system an innocent man may not occasionally be convicted. But the extent to which it has been exploited to secure reversals for technical reasons is an abuse which ought to be limited to a power of reversal where the appellate court can see upon a review of the case that an injustice had been done, or at least might be done if the judgment were affirmed. The reversal of convictions for technical errors not affecting the merits is a standing reproach to modern American jurisprudence.

The adoption of the Fourteenth Amendment to the Constitu-

tion imposed upon the states certain obligations which had long before been imposed upon Congress, and which had been recognized as familiar restrictions upon legislative power from time immemorial. It opened a door at once to writs of error from the Supreme Court to the state courts in cases wherein it was charged that the state legislature had transcended its power, by abridging the privileges or immunities of citizens or depriving them of life, liberty or property without due process of law, or denying any class the equal protection of the laws. In addition to this, Congress freely exercised the power given by the fifth section of this amendment, to enforce its provisions by appropriate legislation, and permitted suits and prosecutions connected therewith to be brought in the federal courts. This amendment has been an exceedingly fruitful source of litigation and many of the most important cases in the Supreme Court have turned upon the proper interpretation of these immunities.

Owing to a large increase of business following the Civil War, Congress, in 1869, created a circuit judge for each of the nine judicial circuits with power to hold the circuit courts and to hear appeals from the district court, which had hitherto been the duty of the associate justice assigned to each circuit.

In 1866 Congress authorized the appointment of commissioners "to revise, simplify, arrange and consolidate all statutes of the United States general and permanent in their nature." The result of their labors was the Revised Statutes of 1873—a production of great value to the profession and public, but which contained no legislation beyond what was incidental to breaking up the original sections, and redistributing their clauses under appropriate heads. The want of a convenient reference to existing legislation had long been felt, and could only be supplied by rummaging through some twenty volumes of Statutes at Large, or trusting to the accuracy of Brightley's Digest, which was then the *vade mecum* of every lawyer practicing in the federal courts. While the revision of 1873 was of great value to the profession in its condensation of all the existing statutes in a single volume, it was found to be so inaccurate in its details that shortly thereafter bills were passed by Congress correcting

some hundreds of errors found in the text, and in 1877 a new revision was authorized, and the work entrusted to Mr. Boutwell, who reported the revision in 1878 as a second edition to that of 1873. The mistake of attempting a revision of the entire statutory law in one act was made apparent to Congress by these revisions.

The constant and increasing accumulation of business in the Supreme Court, which had already left about 1500 cases upon the docket, created such an imperative demand for relief that, in 1891, Congress established a circuit court of appeals in each circuit, as courts of intermediate appeal between courts of the first instance and the Supreme Court; and made the court one of last resort in all except questions of jurisdiction, prize causes, capital criminal cases and constitutional cases.

There was in addition reserved to the courts of appeal a power to certify differences of opinion to the Supreme Court, as well as a corresponding power of the Supreme Court to order up cases by *certiorari*—a power frequently invoked, but very rarely exercised. The desire of a defeated party to have one more chance is only equalled by the reluctance of an overburdened court to grant it. The relief to the Supreme Court was immediate, and its docket was soon reduced from 1500 to about 500 cases. The pendulum, however, has already begun to swing the other way, and at the beginning of the last term the docket showed 690 cases ready for disposition. It is evident that the time is not far distant when some other method must be devised for restricting still further the jurisdiction of the Supreme Court.

The New Judicial Code had its origin in a commission authorized by Congress in 1897 "to revise and codify" the criminal and penal laws of the United States. This revision was passed in 1909 and became operative in 1910. While this commission was engaged in its duties, Congress in 1899 enlarged its powers by authorizing it to revise and codify the laws concerning the jurisdiction and practice of the courts, including the Judiciary Act of 1789, and the Amendments thereto. In 1901 Congress again enlarged its powers by authorizing it to

revise and codify all the permanent laws of the United States not only by omitting obsolete enactments, but by proposing changes in existing laws, with their reasons for the same. From the report of this commission it selected for separate consideration the "judicial title," which, upon its adoption became the Judicial Code, as a revision of the entire law was thought to be too great a task.

One who anticipates in a new judicial code, a complete reorganization of the federal judicial system, or other radical departure from the present historical plan, will probably be disappointed by an examination of the new code. The plan which for a hundred and twenty years has worked so successfully remains practically unaltered. The changes have been rather in form than in substance, and that marvelous creation—the Judiciary Act of 1789—slightly mutilated and much changed in phraseology, still throws about its litigants the aegis of its protection. It is still the resort of aliens, of citizens of different states, of patentees, authors, mariners and even bankrupts, under conditions which have not essentially changed since the act was passed. The great principles enunciated by Marshall and Taney have grown in favor with the lapse of years, from a halting acquiescence to a universal and cordial acceptance. The supremacy of the Supreme Court in cases involving the construction of the Constitution and laws of the United States, once so stoutly contested, is now a maxim of American jurisprudence. The theory that the highest court of the state may declare the invalidity of an act of the legislature, has, since the decision in *Marbury vs. Madison*, become the law of every state in the union.

May I add, as a former member of the court, that in my opinion the court, as at present constituted, has never been represented by abler or more conscientious men?

The most important change in the new Judicial Code consists in the abolishment of the circuit courts. As already observed, this was made by the Judiciary Act of 1789, a court of great distinction, held by two Justices of the Supreme Court and a district judge, with extensive appellate jurisdiction from

the district court. It was of great value in bringing home to the people of every state the dignity and power of the Supreme Court in the person of two of its justices. It was and continued to be for a century the great court of original jurisdiction. Its fall was brought about by a series of statutes changing its personnel and shearing it of its appellate power. By the act of 1793, the attendance of one of the two associate Justices was dispensed with; but until the circuit courts were abolished, it was made the duty of the Justice of the Supreme Court to attend at least once in two years a term of the circuit court in each district in his circuit—a requirement far more honored in its breach than in its observance. Indeed, the increase in business in both the circuit courts and the Supreme Court made compliance simply impossible.

By the act of 1869, creating circuit judges in each circuit, a proviso was inserted that circuit courts might be held by the circuit justice or circuit judge, or the district judge, sitting alone, or together. This practice put an end to the superiority of the circuit court, though an appeal in admiralty was still reserved. Indeed, it had been ruled by Chief Justice Marshall as early as 1808, that a circuit court might be held by a district judge sitting alone, and such had been the constant practice for sixty years. It had been customary in all, except possibly a few of the largest districts, for the district judge to take up cases from both courts indiscriminately, and it was impossible for one not acquainted with federal jurisdiction, to tell in which court he was at the moment administering justice, although separate dockets and journals kept by separate clerks were provided for each. If a court possesses both original and appellate jurisdiction, it is pretty sure to become either an appellate court, or a court of first instance; and as the years passed by, the circuit court became more and more a court of original jurisdiction and less of an appellate court, until the circuit court of appeals was created, when its appellate character fell into abeyance and was transferred to the new court. The establishment of this court was really a *coup de grace* to the historical circuit court. It evidently became a mere question of time when the courts

should be consolidated, although from 1789 until the present day the jurisdictional distinction between the two courts was carefully observed, and a case brought into the wrong court would have been instantly dismissed.

Some criticism has been made of the abolition of the historical circuit court, but it appears to have arisen more from sentiment than from any fear of the practical operation of the measure. One objection of a somewhat serious character was, until amended at the last moment, deserving of special attention. That was the want of a central supervising authority over railways running through different districts, and subject in each district to the control of the district judge, whose jurisdiction is, of course, limited to his own district. Many of these railways, however, run not only through different districts, but through different circuits, and the difficulty of a harmonious management had been already encountered and successfully met by conferences between judges of these circuits. So far as concerns railways running through different districts or states within the same circuit, the exigency is seemingly met by section 56, providing that whenever a receiver is appointed of land or other property of a fixed character, lying in different states of the same circuit, his authority shall extend over all the property within the circuit, upon filing in each district a copy of the bill and the order appointing him, subject, however, to the disapproval of the Court of Appeals or Circuit Judge.

Of course, the clerk of the circuit court will share the fate of his court, but to offset this a large increase in the clerical force of the district courts will be necessary to meet the different classes of cases thrust upon it.

It should be noticed in this connection that, while the circuit courts are abolished, and it is contemplated that the only court of the first instance shall be held by the district judge, yet, wherever the business of a district court is too heavy for a single judge, a circuit judge may be designated to assist him, precisely as under the existing system, and a district judge may be designated to assist a circuit judge in another district.

A step in the direction of economy is found in a proviso that

there shall be but one clerk of the district court in each district, whereas, in eight of the original seventy-eight districts, there were from three to six clerks, each of whom was entitled to a maximum compensation of \$3500. This particular kind of enterprise is discouraged by the code, which puts all upon an equality.

The 250th section strikes at an abuse which has existed ever since the creation of the Court of Appeals of the District of Columbia, by removing a discrimination which has occasioned much annoyance and loaded the docket of the Supreme Court with a large number of cases which had no proper place there. In an act establishing that court an appeal was given to the Supreme Court in every case involving \$5000 regardless of the question at issue. This discrimination has been removed, and the appellate power of the Supreme Court limited to jurisdictional and constitutional cases, such as involve the construction or application of any law or treaty of the United States, or the validity of any authority exercised under the United States. This corresponds pretty nearly to the class of cases in which an appeal was allowed by the Circuit Court of Appeals act from the circuit and district courts, directly to the Supreme Court. The necessity for such restriction is apparent from the fact that under the present system about one case in every ten was brought up from the District of Columbia—a number grossly disproportioned to the population of the District as compared with that of the states.

A relic of an age long passed is also preserved in the 235th section, reserving to citizens of the United States the right to a trial by jury of all issues of fact. As no jury has ever been empanelled within the memory of any living man, and but one or two in the whole history of the court, this proviso is valuable chiefly to the archeologist. The section was probably allowed to remain upon the principle that it is sometimes wise to concede what is harmless as a means of conciliating opposition to what is really important.

The Circuit Court of Appeals, established under the act of 1891, performs the work of an intermediate appellate court,

which was originally intended to be performed by the circuit court when held by two Justices and the district judge. It is believed to have worked to the entire satisfaction of the Bar and of the country. Under the New Judicial Code, separate dockets will probably be required for different classes of cases, as in all the districts with which I have been acquainted separate dockets were kept in the circuit court for law and equity cases, and in the district courts, for admiralty, bankruptcy and criminal cases. This, however, is a matter of detail for each court to determine.

Another change made by the code, though less radical than the evolution of the circuit court, is one which will probably touch more closely the practice of every lawyer. It consists in raising the minimum jurisdiction in law and equity cases from \$2000 to \$3000. It has always been the theory of Congress, out of consideration for the convenience of defendants, and to prevent their being called from a distance to attend to trivial cases, to limit the amount of federal jurisdiction to a substantial sum, fixed originally at \$500, raised in 1887 to \$2000, and now to \$3000. Considering the great fall in the value of money, this represents but little more than the original \$500. Of course, this leaves untouched the power to have federal questions reviewed by the Supreme Court, whatever be the amount involved.

Under section 266 interlocutory injunctions against the enforcement of a statute of a state upon the ground of its unconstitutionality can only be granted upon a hearing before three judges, one of whom must be an Associate Justice or Circuit Judge, of which notice to the Governor or Attorney-General of the state is required.

These are the only practical innovations made by the new code upon the existing law. Other verbal and grammatical changes are numerous, but they are only such as were made necessary by the consolidation of the two courts of the first instance, and the repeal of obsolete statutes, for the better expression of the will of Congress. Certain chapters are added by way of revision of the existing laws respecting the Court of Claims, the Court of Customs Appeal and the Commerce Court,

but they have little connection with the general judicial system. The changes made in the previous acts establishing these courts are little more than nominal, and their revision does not fall within the scope of this paper.

It will be noticed that the code does not include chapters upon pleading, evidence or procedure, which, in accordance with the policy of Congress not to attempt too much at one time, are reserved for a separate code, which has been prepared and will be submitted to Congress at its next session.

Great credit is due to Congress and to the revisors, not only for the conservative character of the new legislation proposed by them, and for the preservation of the most valuable features of the system inaugurated by the Judiciary Act, but for their resistance to innovations, which experience teaches us beset every attempt to revise the laws from those who would avail themselves of the opportunity of incorporating the views of a particular class of men, who would seek by discrediting the courts to undermine and ultimately destroy the independence of the judiciary. In short, the advantages derived from the code are only exceeded by the evils it escaped.

Perhaps the most valuable feature of our Constitution is the complete separation of the powers of the government into the executive, the legislative and the judiciary, and the care exhibited to prevent encroachments by either upon another. It was no new invention, but years before it had been thoroughly exploited by Montesquieu in his "Spirit of the Laws," at that time the standard work upon political science. While in modern European governments the principle is still adhered to, in practice the executive power is so far commingled with the legislative power that the principal executive officers are chosen by the legislature from its own members, are responsible to it for their conduct, and are removable by its vote, though the nominal head of the executive power is the King, Emperor or President, as the case may be, who is irremovable. The system has undoubtedly worked well in England and her self-governing colonies, but has given to the Latin countries of Europe a popular impression of fickleness, wholly inconsistent with our ideas of a

stable government, and has sometimes resulted in a total change of administration two or even three times in a single year. Considering the somewhat mercurial temperament of our people and their disposition to yield to impulses of the hour, I think the framers of the Constitution were wise in assuring to our Chief Executive a fixed tenure of power, that his government may be given a fair trial and protected from the gusts of popular passion. To our English cousins, who are loud in their praises of government by responsible ministers, I can only say that in a trial of over a century our own system has earned the approbation of our people and enabled us to withstand the stress of a civil war, which would have imperilled every responsible government in Europe. Not only this, but it is the one feature of our government which has proved so entirely satisfactory that it is not only never criticised, but has been adopted by every one of the forty-eight states constituting the federal union.

Another feature of scarcely less importance is that providing for the popular election of all legislative officers, and the appointment by the President, subject to confirmation by the Senate, of all judicial and administrative officers. This method of appointing public officers was vigorously supported by Hamilton in his letters to the people of New York, published in the *Federalist*, and has been fully justified by the general honesty and efficiency of the appointees. Much has been said, and probably truthfully said, about graft and corruption in public offices, but in this particular I think the executive and judicial officers of the federal government would challenge comparison with those of any other country. Some exceptions undoubtedly occurred during the period of wholesale removals upon the incoming of each new administration, or what is popularly known as the "spoils system"; but since the establishment of civil service reform a notable improvement has taken place and charges of official corruption have been comparatively rare.

The constitutional method of selecting officers has been adopted as a model by practically every private business corporation in the country, whose stockholders choose by vote their

board of directors or legislative body, which in turn select a president from their own body, and he in his turn appoints the administrative officers, with the advice and consent of the directors.

The states, however, and their subordinate municipal bodies have generally adopted a different system, and one which Hamilton said would be readily admitted to be impracticable—namely, that of allowing the people themselves to choose their own officers. In a popular government this undoubtedly sounds pleasantly to the ear—in practice, it has been the origin of most of our woes. In many of the states this method of election obtains not only in the choice of a governor, where it is perfectly proper, but of all other state officers, the judges of all the courts, the sheriffs and other county officers, as well as the officers of all the municipalities. The argument is that every citizen may be assumed to know the respective qualifications of all the candidates, numbering frequently thirty or forty on a single ticket, and to choose his own with prudence and discretion. In practice, not a single voter in the entire state can know the qualifications of all the candidates on his ticket. In fact, a vast majority know nothing more than that the names have been placed there by a caucus of the party, and the voters are expected to approve of them upon pain of disloyalty. There would be some assurance of safety if these caucuses were composed of patriotic and intelligent men. As a matter of fact, they are usually manipulated by professional politicians, often of low grade, who are looking out for their own interests rather than those of the public, and selecting candidates far more for their availability than for their fitness. The result is inevitable. The candidates are often unfit—sometimes even corrupt—and the government carried on by them a scandalous system of bribery and profit sharing.

An attempt is being made to remedy this, for this is an age of experimental novelties in legislation, by a recall—a somewhat expensive and clumsy device, but one which may turn out to be of great service in disposing of unpopular officers. The public is quick to discover incapacity in a public officer *after* he is elected. It is hardly necessary to say to this audience that it is

inapplicable to the judiciary and utterly subversive of its independence, as no judge is fit for his place who lacks the courage to render an unpopular decision. A recall in such cases could easily be made the cover for the grossest abuses. The very idea that a judge could be compelled to descend from the Bench, and vindicate his right to retain his seat by an appeal to the public is the last recourse of political folly.

Just now the current of modern legislation is moving in two quite different, but by no means inconsistent, directions. First, by giving the people a more direct and immediate voice in the election of their law-making representatives—choosing Senators by popular vote, and also by a system of initiative referendum and recall, the success of which is purely problematical, and can only be determined after some years of trial. With regard to the popular election of Senators—the fashionable political fad of the day—I can only say that while election by the legislature has undoubtedly given us some bad men, it has, with as little doubt, produced a much larger number of honorable and eminent men who have contributed immensely to the prosperity and glory of the country. It may well be doubted whether a Senator chosen by a legislature may not more honestly represent his state and its people, than one chosen by a political caucus or a primary, and endorsed by popular vote.

The second, or what I may call the counter current of modern legislation, is toward a restriction of the power of the people to choose their executive officers by popular vote. This is proposed to be established either by what is known as the short ballot, or by the government of municipalities by commissions. The short ballot, as I understand it, contemplates the popular election of the head of the ticket, such as the governor, mayor, county commissioners or selectmen, and delegating to them the appointment of their own staff, instead of loading down the ticket with a lot of names of persons about whom one can know little or nothing. It would devolve the filling of these offices upon the head of the ticket. He would be in the position to inform himself of the qualifications of every candidate and would be held responsible by his constituents for a proper exercise of such

power. As already observed, this is the federal system which has obtained since the adoption of the Constitution, and has worked so satisfactorily that no serious effort has been made to change it. The wildly democratic ideas which began to prevail early in the last century, and finally culminated in the popular election of justices of the peace, constables, street commissioners and other petty officers, has begun to give place to saner views, which look more to the efficiency of those chosen than to the gratification of a popular whim in choosing them.

The government of municipalities by a commission is also being tried upon an extensive scale, and is apparently earning a deserved popularity. The District of Columbia has for over thirty years been governed upon this principle—and so well governed that no serious attempt has been made to change it. Congress is the supreme legislative power, and three commissioners appointed by the President (one of whom must be an engineer officer of the army), the executive, with full power of appointment and removal. The result is the best governed city in the country, and yet with a complete negation of the principles which have been adopted in most of the states. It was followed by Galveston, after the disastrous flood, which so nearly destroyed the city, and with such success that not only many cities in Texas, but over a hundred in different parts of the country have acted upon and profited by its example. Government by a commission is in substance an effort to remedy the evils created by making use of the ballot for purposes for which it was never designed. Municipal governments are really business corporations, and should be divorced as far as possible from politics, and conducted as private corporations. The argument is that, if the people may be trusted to elect the head of the ticket and its legislative officers, it may be equally entrusted with the choice of all its officers. But the analogy fails in a vital particular. The voter may be assumed to know the head of the ticket, either personally, or as the recognized head of his party, as well as the man whom he wishes to represent him in the legislative body, but he cannot possibly know the multitude of minor officers who are necessary for the conduct of a great

business. We can have no safer guide in this particular than the great charter of our liberty, under which we have grown and prospered for more than a century.

As the New England country lads who have abandoned their ancestral farms, and taken to the cities or to the west in search of quicker and easier returns, often find themselves duped by false promises and elusive hopes, and are beginning to exclaim, "Back to the farm!", so may not we, who have been lured by self-seeking politicians to forsake our ancient paths, and to believe that we are wiser than those we have deliberately chosen to speak for us, also find relief in the cry, "Back to the Constitution!" Here at least there is an assurance of peace, honesty and efficiency.

EQUITY RULES 33, 34 AND 35.

BY

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It sometimes occurs that upon issue joined on a plea in equity the plea is found to be untrue in fact. What is the proper order in such a case? When this question arises in a United States Court its answer depends on the construction and application of equity rule 34. Most practitioners in those courts, answering the question offhand, would say, "Assign the defendant to answer over." To show that the usual practitioner would be mistaken in that guess is the object of this paper.

The Supreme Court was authorized by Act of May 8, 1792, to adopt rules of practice in equity and admiralty jurisdictions for the guidance of the Circuit and District Courts. The law as then enacted is now section 913 of the Revised Statutes of 1878. That the judges were not eager to exercise the power thus conferred sufficiently appears from the fact that thirty years later, at its February term, 1822, the Supreme Court promulgated the first equity rules as published in 7 Wheaton. At the January term, 1843, those rules were revised and extended and published in 17 Peters. The original series contained thirty-three rules, of which the last was in these words:

"XXXIII. In all cases where the rules prescribed by this court, or by the circuit court, do not apply, the practice of the circuit court shall be regulated by the practice of the high court of chancery in England."

In the revision of 1843 there were ninety rules, of which the last was in these words:

"XC. In all cases where the rules prescribed by this court, or by the Circuit Court, do not apply, the practice of the Circuit Court shall be regulated by the present practice of the High Court of Chancery in England, so far as the same may reasonably be applied consistently with the local circumstances and local convenience of the district where the Court is held, not as

positive rules, but as furnishing just analogies to regulate the practice."

This rule still remains in force in the same words and with the same number, with others which have been adopted since not material to this discussion.

While the question which I have proposed depends at last on the construction and application of rule 34, the meaning of that rule is most clearly ascertainable by a comparative study of the three rules 33, 34 and 35, which I will read.

RULE 33.

The plaintiff may set down the demurrer or plea to be argued, or he may take issue on the plea. If, upon an issue, the facts stated in the plea be determined for the defendant, they shall avail him as far as in law and equity they ought to avail him.

RULE 34.

If, upon the hearing, any demurrer or plea is overruled, the plaintiff shall be entitled to his costs in the cause up to that period, unless the court shall be satisfied that the defendant had good ground in point of law or fact to interpose the same, and it was not interposed vexatiously or for delay. And upon the overruling of any demurrer or plea, the defendant shall be assigned to answer the bill, or so much thereof as is covered by the plea or demurrer, the next succeeding rule day, or at such other period as, consistently with justice and the rights of the defendant, the same can, in the judgment of the court, be reasonably done; in default whereof, the bill shall be taken against him, *pro confesso*, and the matter thereof proceeded in and decreed accordingly.

RULE 35.

If, upon the hearing, any demurrer or plea shall be allowed, the defendant shall be entitled to his costs. But the court may in its discretion, upon motion of the plaintiff, allow him to amend his bill upon such terms as it shall deem reasonable.

Any one of four things may happen to a plea: First, it may be held upon argument to be good in law; or, second, it may be held upon argument to be bad in law; or, third, having been held or admitted to be good in law it may be found upon issue joined to be true in fact; or, fourth, it may be found on issue

joined to be false in fact. It will be interesting to note as we proceed how clearly and justly rules 33, 34 and 35, taken together, provide for the first, second and third of these contingencies, and how clearly they omit to provide for the fourth.

Take the first—the case in which a plea is held upon argument to be good in law. Rule 35 says, that in that case the defendant shall be entitled to his costs, but the court may allow the plaintiff to amend. Or, of course, the plaintiff may take issue.

The second is the case in which the plea is held on argument to be bad in law. Rule 34 provides for that case. It says that upon the overruling of a plea the defendant shall be assigned to answer the bill or so much thereof as is covered by the plea.

The third is where the plea is found upon issue joined to be true in fact. There, by the terms of rule 33, the facts stated in the plea are to avail the defendant as far as in law and equity they ought to avail him.

The fourth is where the plea on issue joined is found to be false in fact. That contingency is not mentioned in any of the three rules. This omission is enough, in itself, *prima facie*, to bring the case within the terms of rule 90 as one not provided for in the other rules and in which the English Chancery practice is to be followed. But you will be a little surprised, I think, if you have never given specific attention to the subject, to find how irresistible this conclusion becomes on a comparative analysis of the three rules.

In rules 34 and 35 the demurrer and the plea are coupled together, as though they were alike and the same provisions were equally applicable to them both. Rule 34 says, "If, upon the hearing, any demurrer or plea is *overruled*, etc.," rule 35 says, "If, upon the hearing, any demurrer or plea shall be *allowed*, etc." This is right in respect to the legal sufficiency of the plea. An argument of a demurrer and an argument of a plea alike submit a question of law for the decision of the court. The overruling of a demurrer and the overruling of a plea on argument are alike decisions against the defendant upon legal questions. It is also the same kind of legal question—the sufficiency

of the facts alleged to support the contention of the pleading. The same order is equally applicable to both. The overruling of a demurrer means that the defendant's contention of law is insufficient to meet the bill. He must set up some further defense or submit to judgment. The overruling of a plea on argument means that the defendant's contention of fact is insufficient to meet the bill. He must set up some further defense or submit to judgment.

This coupling together of the demurrer and the plea in rule 34 leads to the right result in each case alike in respect to the order to follow the overruling of either upon argument. A defendant ought to have the right to test the legal sufficiency of the bill before being required to plead or answer. If his demurrer be overruled the effect of the decision is and ought to be that he must plead, or answer, or suffer judgment. The plaintiff ought to have the like right to test the legal sufficiency of the plea before being required to take issue upon it. It is a mere matter of form that he does that by setting the plea down for argument instead of demurring to it. If, upon the argument, the plea be overruled, the effect of the decision ought to be, and is, that the defendant must offer a further and better defense, or suffer judgment. Construed in this sense, the rule is clear, consistent, logical and just.

The same considerations apply to rule 35. The demurrer and plea are again coupled together and the same rule applied to them in respect to the order to be made. The word *allowed* is equivalent to *sustained*. The allowance of a demurrer is a decision in favor of the defendant as to the legal sufficiency of the bill. The allowance of a plea is a decision in favor of the defendant upon the legal sufficiency of the defense set up in his plea, the truth of which the plaintiff has admitted by setting it down for argument. In either case the plaintiff is *hors du combat*. If he has no better cause of action than that stated in his bill, he must go out of court or take issue on the plea. Here the rule comes to his relief, and authorizes the court to allow him to amend. The rule is clear, consistent, logical and just.

When we come to the case of the trial and decision of an issue joined on a plea, we enter another field, and one in which other terms are appropriate and other principles of adjudication are applicable. The argument of a demurrer or a plea is, in its nature, preliminary; the trial of an issue joined is, in its nature, final. The language of rule 34 is not applicable to the decision of an issue of fact. When the court decides against the defendant upon a final hearing, we do not say that it "overrules the answer," but that it finds for the plaintiff. The language used in rule 35 plainly includes only the decision of questions of law. The language of rule 34 as certainly *includes* the decision of questions of law. To say that it *also* includes the totally different subject of the decision of questions of fact is to accuse the court who framed the rules of poverty of resources in the vocabulary of the law, or slipshod carelessness of expression where the utmost exactness was of prime importance.

The court is not justly open to that charge. We have only to read the rules aright to see that the words used in them are perfectly apt to express the ideas intended. Rule 33 deals expressly with the case of the trial and decision of an issue of fact, and its language is appropriate to that subject-matter. It says, "If, upon an issue, the *facts stated in the plea be determined for the defendant*"; not, if the plea be *sustained or allowed*. If the Supreme Court had intended to provide in rule 34, for the case of a finding for the plaintiff upon an issue joined on a plea, the language, to be harmonious with that used in rule 33, should have been, "If, upon an issue, the facts stated in the plea *be determined for the plaintiff*," etc. It is a forced construction of rule 34 that imputes to it a reference to the case of a finding for the plaintiff upon issue joined on a plea. It is against the ordinary import of its words. It involves an inconsistent use of words in three rules standing together and relating to the same general subject-matter.

Moreover, such a construction makes nonsense of the rule. A plea is only a form of answer. It "covers," as that word is used in the rule, that part of the bill which it meets. If that be a vital part, the plea will be a bar to the whole action. If it is

true, the plaintiff's whole case falls. If the court finds it to be false, then, according to the construction of the rule which I am criticising, it will be the duty of the court to assign the defendants to "answer the bill, or so much thereof as is covered by the plea." But he has already answered that part of the bill by his plea; that is, he has set up in the form of a plea facts to defeat that part of the bill, and sufficient to defeat it if they are true, and has submitted the question for trial, and has been beaten. Why should the court order him to answer it again?

I ignore here the names of these pleadings, as I may well do. The same facts, with a few exceptions, may be presented as a defense, either in the form of a plea or of an answer. When a defendant has set them up in the form of a plea and they have been found untrue, shall he set the same facts up again in the form of an answer? That would be absurd.

When a defendant has chosen his ground of defense, and set up in any form facts which are sufficient, if true, to defeat the plaintiff's action, the trial of the issue thus joined is the trial of the case. Whether the facts be stated in the form of a plea or in the form of an answer does not affect the merits of the question. If they were presented in the form of an answer, no one would claim that upon a finding after a hearing upon proofs that the answer was not true the court would order the defendant to answer again. It would be no more sensible to make such an order after a trial of the truth of the same facts set up in a plea.

More than that, the rule, whatever it means, is not permissive, but peremptory. It says that "upon the overruling of any plea or demurrer the defendant *shall* be assigned to answer the bill," etc. It is not so in rule 35. There the court *may* in its discretion, on *motion*, and upon *terms* permit a plaintiff who, upon the allowance of a demurrer or plea, appears to have no cause of action, to amend his bill. A defendant who has set up facts by a plea which has been found to be untrue is in a far worse predicament. It is drawing it mild to say that he appears to have no defense. And yet the court, by the erroneous construction of Rule 34 which I am combating, is *commanded* to assign

the defendant, without motion or showing, and without terms to answer the bill and try it again. Could anything be more absurd than such a pair of rules?

There is good reason for rule 33. When the defendant tenders a plea that is good in law the plaintiff must take issue. And yet the defendant ought not to go acquit until he has set up and proved a defense, which, on the whole, ought in law and equity to constitute a complete defense. He ought not to be permitted to defeat the plaintiff's action by any artifice of splitting up his case and making an issue over something less than a full and just defense. Hence, the rule provides that if he chooses to present a plea and proves its allegations, he shall have the benefit of the facts so established as far as they go, and no further.

The same considerations do not apply to the case of a plea found for the complainant. There are no reasons resting in equity and good conscience why the defendant may not go to final trial on any defense which he chooses to set up. When he files a plea which is good in law he forces the plaintiff to meet him on that ground. And while there is good reason why the defendant ought not to be allowed to beat the plaintiff with less than a just defense, there is no reason whatever why he may not be allowed to beat himself with any defense upon which he chooses to stake his case. The rules of equity pleading permit a defendant to set up nearly every possible defense by answer. There is no reason why he should file a plea except to gain some advantage for himself. When, with that object in view, he has forced the plaintiff to a trial on the issue which he tenders, ought he not to abide by the result? Would it not be the climax of inequity—I will spell it with an “i” and say iniquity—that the law should compel the court in every such case, with no regard for its circumstances, or history, or the effect of the order, to “assign the defendant to answer the bill”?

Again, rule 33 opens the subject by its provision that the plaintiff may set down a demurrer or plea to be argued, or he may take issue on the plea. If he adopts the latter course and the facts stated in the plea be determined for the defendant,

they are to avail him as far as in law and equity they ought to avail him. That provides for one possible result of the trial of an issue on a plea. If it was the purpose of the Supreme Court to make any provision by rule for the other possible result of such a trial, viz., the determination of the issue for the *complainant*, the place to put it was right there, and so finish up that branch of the subject—the effect of the trial of issues formed on pleas; and the way to put it was to state it in language similar to that already used, as thus: If, upon an issue, the facts stated in the plea be determined for the complainant, then, so and so.

Rule 34 enters upon the other branch of the subject—the situations which arise when the complainant sets down the plea for argument. It provides, in its first sentence, that if a plea be overruled, the plaintiff shall be entitled to costs in the case up to that period, unless, etc. There will be no question, I suppose, that, so far, this rule refers to the overruling of a plea on argument.

The next sentence is the crucial one in this discussion. It says that upon the overruling of the plea the defendant shall be assigned to answer the bill, or so much thereof as is covered by the plea. If this means the overruling of the plea on argument, it is consistent with rule 33 and the preceding part of the same section. Moreover, the language is that he “shall be assigned to answer the bill, *or so much thereof*” as is covered by the plea. If the plea was to part, the answer is to go to that same part. This is exactly right if the rule refers to the overruling of a plea on argument, but absurd and impracticable if it refers to a finding of fact upon an issue on a plea.

Upon this view we have, therefore, in rule 33, the general subdivision of the field of proceedings under a plea, and an explicit provision as to what shall follow a finding for the defendant upon an issue joined under a plea. In rule 34 we have the first case arising in the other part of the field—the case of a decision for the *complainant* upon *argument* of a plea; and in rule 35 the other case arising in the second part of the field—the case of a decision for the *defendant* upon argument of a plea. Taken

together, the three rules provide intelligibly, justly and consistently for every case that can arise in dealing with pleas, except the case of a finding for the complainant upon issue joined. For that case they make no provision except by a forced and illogical application of rule 34, which results in absurdities and injustices too gross to be admissible.

The proposition that under the general practice in chancery the trial of an issue of fact under a plea in bar of the whole bill is a trial of the case, and that if the finding be for the complainant he is entitled to a decree, is a familiar one. In Mitford's Equity Pleading, published as "Mitford & Tyler's Pleadings and Practice in Equity," by Baker, Voorhis & Co., 1890, the subject of pleas in equity is discussed as follows:

"Upon argument of a plea it may either be allowed simply, or the benefit of it may be saved to the hearing, or it may be ordered to stand for an answer. In the first case the plea is determined to be a full bar to so much of the bill as it covers, if the matter pleaded, with the averments necessary to support it, be true. If, therefore, a plea is allowed upon argument, or the plaintiff without argument thinks it, though good in form and substance, not true in point of fact, he may take issue upon it, and proceed to disprove the facts upon which it is endeavored to be supported. For if the plea is upon argument held to be good, or the plaintiff admits it to be so by replying to it, the truth of the plea is the only subject of question remaining, so far as the plea extends; and nothing but the matters contained in the plea, as to so much of the bill as the plea covers, is in issue between the parties."

To the same effect the following from Story's Equity Pleadings, ninth edition, section 697:

"For, if the plea is, upon argument, held to be good; or the plaintiff admits it to be so by replying to it; the truth of the plea is the only subject of question remaining, so far as the plea extends; and nothing but the matters contained in the plea, as to so much of the bill as the plea covers, is in issue between the parties."

This same view of the questions which arise on a plea and the effect of a finding for the defendant thereon was expressed by the Supreme Court in the great case of *Rhode Island vs. Massachusetts*, 14 Peters, 210; I quote from page 257:

“According to the rules of pleading in the Chancery Court, if the plea is unexceptionable in its form and character, the complainant must either set it down for argument, or he must reply to it, and put in issue the facts relied on in the plea. If he elects to proceed in the manner first mentioned, and sets down the plea for argument, he then admits the truth of all the facts stated in the plea, and merely denies their sufficiency in point of law to prevent his recovery. If, on the other hand, he replies to the plea, and denies the truth of the facts therein stated, he then admits that if the particular facts stated in the plea are true, they are then sufficient in law to bar his recovery; and if they are proved to be true, the bill must be dismissed, without reference to the equity arising from any other facts stated in the bill. 6 Wheat. 472. Undoubtedly, if a plea upon argument is ruled to be sufficient in law to bar the recovery of the complainant, the Court of Chancery would, according to its uniform practice, allow him to amend; and to put in issue, by a proper replication, the truth of the facts stated in the plea. *But in either case, the controversy would turn altogether upon the facts stated in the plea, if the plea is permitted to stand.*”

This case was one arising under the Supreme Court's original jurisdiction in equity, in the exercise of which it always followed the practice of the Court of Chancery in England. On this point see *Farley vs. Kittson*, 120 U. S. 314. So that the concluding sentence of the above quotation is an express statement of the English Chancery practice.

Upon these arguments I maintain that rule 34 does not apply to the case of a plea found by the court upon issue joined to be untrue in fact.

If the law is the perfection of reason, as it is said to be, then perfection of reason must be law. It is only another way to state it to say that reasonableness is the highest evidence of law, as was decided in the *Standard Oil* case. Suppose some judge has decided the contrary of the conclusion which I have argued—may I not say, demonstrated. So much the worse for the judge. This is not a brief. We owe no fealty here to anything but truth. Authorities count here and today only so far as they are harmonious with truth. It is in that spirit of freedom that I shall refer to the cases which I have seen touching the

question which I have discussed. It is a satisfaction to have opportunity for once to say what you please about the courts.

The case of *Farley vs. Kittson*, 120 U. S. 303, as generally construed, is the leading erroneous decision in this field. In that case the bill was for an accounting for a share of the profits of a gigantic speculation in railroad bonds and railroad organization made by the defendants, Kittson and Hill, in which the complainant, Farley, claimed that he was by agreement to have an interest, notwithstanding he was, at the time, by his own showing, receiver of one and general manager of the other of the two roads whose bonds were purchased. The Circuit Court dismissed the bill on the ground that the agreement, which appeared in the bill as well as in the plea, was unlawful and void, thus treating the plea, in effect, as a demurrer to the bill. Upon this procedure Mr. Justice Gray comments in the opinion as follows, pages 313-14:

"The pleader and the court below appear to have proceeded upon the theory that by a plea in equity a defendant may aver certain facts in addition to or contradiction of those alleged in the bill; and also not only, if he proves his averments, avail himself of objections in matter of law to the case stated in the bill, as modified by the facts proved; but even, if he fails to prove those facts, take any objection to the case stated in the bill, which would have been open to him if he had demurred generally for want of equity."

The opinion then points out at some length the distinction between a demurrer and a plea, concluding with the remark, on page 313, "That an objection to the equity of the plaintiff's claim, as stated in the bill, must be taken by demurrer and not by plea is so well established that it has been constantly assumed and therefore seldom stated in judicial opinions."

The opinion divides the averments of the plea into three parts:

1. Matters which were mere restatements of parts of the bill, and which were admitted by stipulation to be true.

2. Averments that one Kennedy, who was the agent and representative of the bondholders, had no notice that the plaintiff had or claimed an interest in the project of purchase and reorganization. These averments were found by the Supreme Court to have been disproved. The allegations of the bill that

the plaintiff at all times gave full and true answers to inquiries by Kennedy and others, and acted honestly and in good faith towards all persons interested in the property, were not denied in the plea, and were, therefore, conclusively admitted to be true, as the court held.

3. Those parts of the plea which averred that the agreement alleged in the bill was unlawful by reason of the plaintiff's relation to the railroads whose bonds were purchased. It was held by the Supreme Court that these averments were mere matter of law arising upon the plaintiff's case as stated in the bill.

The opinion concludes with this paragraph:

"The result is, that the principal question considered by the court below and argued at the Bar is not presented in a form to be decided upon the record before us; and that, for the reasons above stated, and as suggested in behalf of the plaintiff at the reargument, the plea was erroneously sustained, and must be overruled, and the defendants ordered, in accordance with the 34th rule in equity, to answer the bill."

This mere mention is the only reference to rule 34 in the case.

The next case in order of time is *Dalzell vs. Dueber Mfg. Co.*, 149 U. S. 315, which is still more clearly erroneous. The suit was for infringement of a patent, and a plea was filed alleging title to the invention in the defendant. The Supreme Court found that the plea was not sustained by the evidence and disposed of the question in these brief words:

"The only issue upon the plea and replication was as to the sufficiency of the testimony to support the plea as pleaded; and as the plea was not supported by the testimony, it should be overruled, and the defendant ordered to answer the bill. *Stead vs. Course*, 4 Cranch, 403, 413; *Farley vs. Kittson*, 120 U. S. 303, 315, 318; equity rule 34."

Stead vs. Course was a creditor's bill to subject lands to the payment of debts. The defendants pleaded title under a tax sale against the debtor. Issue was joined and the Circuit Court found for the defendants on the plea, and dismissed the bill. The Supreme Court held that the tax sale was invalid, reversed the judgment of the Circuit Court and ordered that the defendants answer over.

No authority is referred to in the opinion. The decision was in 1808, before rule 34 was promulgated. It has no bearing, therefore, on the interpretation of that rule. It is inconsistent with the general course of decision and authority on the subject. It does not discuss the question or the principle involved.

If *Farley vs. Kittson* has nothing to stand on, neither has *Dalzell vs. Dueber*. It is manifest that the court had given no consideration to the question in either case, but tossed off the reference to rule 34 without the slightest consciousness of the difficulties which necessarily attend such an application of it.

Before leaving these two cases I will say that it appears to me that the Supreme Court has been more sinned against than sinning in respect to *Farley vs. Kittson*. The plea in that case, as it seems to me, was bad in law in one part and untrue in fact in the other. So far as it was bad in law the proper order to make was to overrule it and order the defendant to answer over under rule 34. So far as it was untrue in fact the proper order would be in the usual case to enter judgment for the plaintiff as to that part. But in that case the bill was without equity on its face. There had been a mistrial all around. In my opinion the decision has been erroneously taken by judges and lawyers, without exception that I know of except in one case which I shall notice presently, as an authority for the broad proposition that the proper order in the case of a false plea is to assign the defendant to answer over under rule 34, which I think is a misinterpretation of the decision.

In *Hartz vs. Cleveland Block Co.*, 95 Fed. 681 (C. C. A., Sixth Cir.), the hearing was upon a plea, replication and proofs. The Circuit Court found the plea to be true and dismissed the bill. In the first paragraph of the opinion in the C. C. A. the question thus presented is stated in these words:

"The only question thus open is as to whether the court erred in holding that the plea was sustained by the evidence. If it was not supported, it should have been overruled, and the defendant ordered to answer. *Dalzell vs. Dueber Mfg. Co.*, 149 U. S. 315; *Farley vs. Kittson*, 120 U. S. 303."

The judgment was reversed with an order to take further proceedings in accordance with the opinion. It is manifest that

if *Farley vs. Kittson*, and *Dalzell vs. Dueber* are unsound, this case has not a peg to hang on so far as rule 34 is concerned.

In *Westervelt vs. Library Bureau*, 118 Fed. 824, the Circuit Court of Appeals for the First Circuit held that the decisions of the Supreme Court in *Farley vs. Kittson* and *Dalzell vs. Dueber Mfg. Co.* were conclusive, although Judge Putnam, in the opinion, more than intimated that he did not consider them as supported by sound reason. It was a clear case of mere submission to what was regarded as controlling authority. It was distinctly pointed out that rule 34, as construed in those cases, was a departure from the ordinary equity practice, and one for which the Supreme Court gave no explanation or reason. As an expression of the judgment of the court upon the merits of the question, the decision must be regarded as in support of my contention.

These are all the cases I have found in which a defendant has been assigned to answer over under rule 34 upon a finding against him upon an issue joined on a plea. In not one of them is there a word of discussion of the merits of the question. It seems certain that not one of the judges had thought it out, or even thought about it, except Judge Putnam, in the *Westervelt* case, and he not adequately.

The wrong done to parties by these decisions was not a serious matter. Probably substantial justice was done in all of them. The mischief has come in the unreported cases decided in the trial courts and the mistaken view of the subject which has come to prevail at the Bar. When the great Circuit Court of Appeals for the First Circuit bows to *Farley vs. Kittson* and *Dalzell vs. Dueber* as controlling authorities, what can we expect of the trial courts and the lawyers?

There are a few cases holding the other view.

In *Kennedy vs. Creswell*, 101 U. S. 641, the case was an appeal from the Supreme Court of the District of Columbia. The defendants filed a plea which, on issue joined, and hearing, was found to be untrue. The decree below was for the complainant, and this was affirmed by the Supreme Court. The following is from the opinion:

"Since, then, the complainants were entitled to a decree, the question is, what decree? If a defendant plead a false plea, and it be so found, what is next to be done? Is it to be merely overruled, and an order made that he answer further, as in case of overruling a demurrer, or of overruling a plea for insufficiency? This is not the usual course. Having put the plaintiff to the trouble and delay of an issue, the defendant cannot, after it is found against him, claim the right to file an answer; although, if the complainant desires a recovery, which the plea sought to avoid, he may undoubtedly insist upon it. But that is the complainant's right, not the defendant's.

* * *

"Chancellor Walworth, in a case before him where the defendant produced no evidence to establish the truth of his plea, said:

" 'Where a plea in Bar to the whole bill is put in, if the complainant takes issue thereon he admits the sufficiency of the plea, and leaves nothing in question but the truth thereof. If at the hearing the plea is found to be true, the bill must be dismissed. But if the plea is untrue, the complainant will be entitled to a decree against the defendant in the same manner as if the several matters charged in the bill had been confessed or admitted.' *Dows vs. McMichael*, 2 Paige (N. Y.) 345."

Judge Putnam, in *Westervelt vs. Library Bureau*, cited above, declined to recognize this case as bearing on the question because it originated in a court of the District of Columbia, to which, as he states, the equity rules of the Supreme Court do not apply. I do not know, otherwise, how that is, and am bound to suppose that the fact is as stated. But other judges have treated *Kennedy vs. Creswell* as an authority on the subject.

In *Lilienthal vs. Washburn*, 8 Fed. 707, Judge Pardee entered a decree against a defendant who had filed a plea and failed to support it by his proofs. This is from the opinion:

"The plea having admitted the main facts alleged in the bill, and not being proved as to the matters alleged in avoidance, the complainants are entitled to a decree as though the bill had been confessed or admitted. See *Kennedy vs. Creswell*, 101 U. S. 641."

In *Earll vs. Metropolitan Str. Ry. Co.*, 87 Fed. 528, before Judge Wheeler, upon trial of an issue on a plea, it was found, that, as to part of the facts alleged, it was true, and as to part

of them it was not true. There was a decree for the complainant as to all matters in issue except those found for the defendant. As to those it was considered that, under rule 33, the defendant was entitled to the benefit of the facts found in his favor under the plea. The following interesting quotation from the opinion is the first discriminating judicial criticism of *Farley vs. Kittson* that appeared so far as I know.

“ Question is made about the effect of the finding of fact upon the traverse of the plea that, as to a part of the alleged infringement of the plaintiff's patent, it is not sustained by the evidence, but must fail. In *Kennedy vs. Creswell*, 101 U. S. 641, the authorities were reviewed by Mr. Justice Bradley, and a decree in chief, founded upon a finding of an issue of fact joined by traverse of a plea, in favor of the plaintiff, was affirmed. That could be, of course, sufficient authority for a decree in chief here for relief against that infringement. But *Farley vs. Kittson*, 120 U. S. 303, 7 Sup. Ct. 534, where the authorities, with the rules of equity, are again reviewed by Mr. Justice Gray, is cited and relied upon to the contrary. The law of equity pleading is not there stated differently from that stated by Mr. Justice Bradley, but the decree, which was for the defendant, was reversed, and the case was remanded, with directions to overrule the plea, and to order the defendants to answer the bill, and this direction is different from the decree affirmed in the former case. But in the latter case the plea was said to consist of three parts: ‘First, a restatement in detail of some of the facts alleged generally in the bill.’ The issue of fact found for the plaintiff, on a stipulation, is said to have related to this first part of the plea, and the second and third parts are said to have been mere matters of law arising on the bill. So the case stood somewhat as if the bill had been demurred to, or the plea had been set down for argument, whereby the part found would, in either way, have stood admitted. Thereupon the justice said that the question argued was not presented by the record, and that ‘as suggested in behalf of the plaintiff at the reargument, the plea was erroneously sustained, and must be overruled, and the defendants ordered, in accordance with the thirty-fourth rule in equity, to answer the bill.’ The requirement to answer may have been made at the request of the plaintiff for further discovery, as well as because of the form of the plea and the limited finding. This case does not overrule the former one expressly, and, as here understood, does not do so impliedly. In *Elgin Wind-Power & Pump Co. vs. Nichols*, 65 Fed. 215, 12 C. C. A. 578,

since both of these cases, a final decree in a cause on a patent founded on a finding for the plaintiff of an issue joined by traverse of a plea was affirmed by the circuit court of appeals for the Seventh Circuit."

In *Elgin Wind-Power & Pump Co. vs. Nichols*, 65 Fed. 215, referred to above, there were four pleas and replications thereto, and the case was heard in the Circuit Court on these pleadings and proofs. That court found the pleas to be untrue, and entered a decree for the complainants. This judgment was affirmed by the Court of Appeals. Judge Woods, in the opinion, refers to *Farley vs. Kittson* in respect to rule 33, but makes no mention of rule 34, nor of the decision in that case in respect to that rule. The decision can be construed only as proceeding upon the assumption that rule 34 had no application to the case.

To these may be added one little, lonesome case decided by Judge Nixon in 1877—the case of *Reissner vs. Anness*, 3 Ban. & Ard. 176; s. c. Fed. Cas. 11,688. In that case a decree was entered for the complainant upon a finding in his favor upon an issue joined on a plea in bar. No reference was made in the opinion to rule 34.

I believe that there is a decision which belongs here which I am unable to cite. I have been told by two well-informed lawyers that within a year or two past the Court of Appeals for the Third Circuit has held that rule 34 does not apply to the case of a plea found to be untrue in fact; but I never heard the name of the case, and have been unable to find it after diligent search. If any of you know what this mortifying experience means I am sure I will have your sympathy.

Rule 34 was promulgated in 1842. It was not construed, nor applied, nor referred to in any case that I have found until *Farley vs. Kittson*, forty-four years later, when all the judges who were on the Supreme Bench when the rule was adopted were no more. It was not necessary to invoke it to warrant the decision made in that case. The court would have been compelled to dispose of the case just as it did if rule 34 had never existed.

Six year later Dalzell *vs.* Dueber followed. There is not a word in the case in discussion of the meaning or construction of rule 34. There is a bare statement that the defendant is to be ordered to answer the bill, and a reference to Stead *vs.* Course, Farley *vs.* Kittson and rule 34. As I have pointed out, Stead *vs.* Course throws no light on the meaning of rule 34, because it was decided long before the equity rules were adopted, and it is, moreover, out of harmony with the general practice. If Farley *vs.* Kittson has no support of logic or good reason behind it, neither has Dalzell *vs.* Dueber.

In Hartz *vs.* Cleveland Block Co. there is not a word of comment or discussion, and nothing is cited but Farley and Dalzell.

In Westervelt *vs.* Library Bureau, the last of the series, the court bows to the authority of Farley and Dalzell with un concealed disapprobation of the doctrine.

I have never seen any other so striking an illustration of this weak point in the doctrine of *stare decisis*—the danger of lapsing into error by repeated adherences to one ill-considered decision. When a lawyer sees, or thinks he sees, an aberration of that sort going on in the decisions of the courts he owes it to the law to call the attention of his brethren to it in whatever way may be open to him, as this way has been opened to me, notwithstanding I can improve it only by interjecting into the bright proceedings of this meeting a dull discussion of a dry question of law.

REPORT

OF THE

COMMITTEE ON JURISPRUDENCE AND LAW REFORM.

To the American Bar Association:

Your Committee on Jurisprudence and Law Reform reports:

Reference was made to this committee of four resolutions, as well as a communication transmitting a resolution passed by the New York State Bar Association concerning the salaries of the federal judiciary.

The first of these resolutions was "aimed at what is known as the third degree"; the second seeks to regulate commerce by airships; the third concerns legislation in behalf of equal suffrage, and the fourth is "respecting the formulating of the laws of the United States, to the end, that their number may be decreased."

It is interesting to note the variety of subjects referred. They include the "third degree," airships, woman's suffrage, revision of laws and increase of judicial salaries.

The first resolution referred is as follows:

WHEREAS, The Constitution of the United States in the V Amendment provides that no person "shall be compelled in any criminal case to be a witness against himself," and in the VI that he shall not only be entitled to a *public* trial by an impartial jury, but shall "have the assistance of counsel for his defense"; and

WHEREAS, The same principles of individual right have been adopted by the various states; and

WHEREAS, From the common reports of the examinations of accused persons made by the police departments in many of the municipalities throughout this country, such persons are examined in private, without the assistance of any one present to advise them as to their individual rights; and that from the rigid and often harsh examinations accused persons are in effect

compelled to be witnesses against themselves contrary to the true intent of the Constitutional provisions and contrary to all sense of fairness and justice; and

WHEREAS, This Association believes that such practices should be condemned and the individual rights of accused persons should be protected by a uniform law; therefore

Be it Resolved, That it is the sense of this Association that in all criminal prosecutions no confession of the accused should be received in evidence, unless it is affirmatively shown at the trial that it was made voluntarily, in the presence of a third disinterested person selected by the accused, and not in any way connected with the police department or the prosecuting attorney's office, and after the accused has been informed in the presence of such third party, that while he need not answer interrogatories, nor make a statement, yet if he does the statement would be used against him.

Resolved, Further, That appropriate legislation be recommended to carry into effect such protection to the accused.

It will be noted that this resolution applies "in all criminal prosecutions." The proposition is to exclude confessions in all criminal prosecutions, unless it is shown that the confession was not only made voluntarily, but made in the presence of a third person selected by the accused. In dealing with the specific evil of investigation by the police department or prosecuting attorney's office, the resolution goes too far, and would exclude confessions voluntarily made, and which, under the rules of evidence, are admissible. The exact character of this third degree is so little known that it is difficult to lay down any rule concerning it. A due investigation to discover crime is proper; while recourse to methods set out in the preamble to the resolution are most reprehensible. Conditions differ in various police departments. The evil is local, and the remedy must be local.

Your committee cannot recommend the adoption of the resolution as presented.

Judge Baldwin has offered the following resolution, and proposes that this Association shall recommend that the bill attached be enacted by Congress:

Resolved, That no one ought to be allowed to make an ascent in the air in any form of airship, who has not passed a satisfactory examination or been otherwise tested, by some public

authority, with respect to his qualifications to make such ascents with reasonable safety to himself and others; nor without having first filed in some public office a bond with surety, to answer to all persons who may suffer damage by his flight in the air, whether such injury result from his negligence, or from inevitable accident, or *vis major*.

Resolved, That each state of the United States should regulate these matters by statute, as respects flights in the air wholly within said state, and as respects police regulation of all flights over its territory.

Resolved, That Congress, under its powers as to commerce, can and should regulate by statute flights in the air between states, or between the United States and foreign lands, or our territories of the United States.

Resolved, That the following project of a bill for such statute is drawn upon suitable lines, so far as its provisions extend:

AN ACT

TO REGULATE COMMERCE BY AIRSHIPS.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that—*

The term *airship* in this act includes every kind of vehicle or structure intended for use as a means of transporting passengers or goods, or both, in the air.

The term *aeronaut* in this act includes every one who, being in or upon any such vehicle or structure, or anything thereto attached, undertakes to direct its ascent, or course, or descent in the air.

The verb *to fly* and the word *voyage*, as used in this act, include every kind of locomotion by an airship.

SEC. 2. No airship shall be flown from any point within the jurisdiction of the United States to a foreign country, or from any point within any state of the United States to any other state of the United States, or from any point in any territory of the United States to any other territory of the United States, or any state of the United States, or any foreign country, except under the conditions prescribed in the following sections:

SEC. 3. It must carry and be in charge of an aeronaut, whose competency, as such, is certified under the authority of the United States.

SEC. 4. It must either carry a flag of the United States not less than six feet by ten in size, and display the same while over

the territory of any foreign country, or it must have a copy of the flag, of not less size, painted on some part of the airship, so as to be visible to those who may be beneath it.

SEC. 5. It must have a number, in characters not less than three feet in height, painted on some part of the airship, so as to be visible to those who may be beneath it.

SEC. 6. It must be registered by this number in the office of the Collector of Internal Revenue for the district including the residence of the owner or charterer, or if such owner or charterer do not reside in any such district, then in the office of such collector for the district in which the voyage is to be begun by the ascent of the airship; and a certificate of the registry issued by said collector.

SEC. 7. The owner of the airship, or if he has let it to another for such voyage, either the owner or such charterer, shall, before the voyage is commenced, file in the office of such collector a bond to answer for all damages that may result to any person or persons, as an incident of any voyage that said airship may make or attempt to make, either from the descent of the airship, or from the fall of the airship, or any part thereof, or anything that was on board of it, or from the trailing of anything in the nature of a guide rope. Such bond must be a joint and several bond, signed by such owner or charterer and a sufficient surety, and shall be for such amount, not less than \$1000, as the Collector of Internal Revenue for the district wherein the airship is registered may order, and such collector must also endorse the bond with his approval of the sufficiency of the surety. Such bond shall be payable to the United States of America; but any person claiming damages thereunder may bring suit upon it in any court having competent jurisdiction, whether a court of the United States or of any state or territory of the United States, or of any foreign country, within the territorial jurisdiction of which court he claims that such damages were caused; or, at the option of such plaintiff, in any such court within the territorial jurisdiction of which he can make due service of process on the bondsmen or either of them. If such a suit be terminated by a judgment for the defendant, he shall recover the costs of suit from the party bringing such suit.

SEC. 8. The airship must carry, throughout any trip, a copy of such bond and of its certificate of registry, and of the certificate of the competency of the aeronaut, which copies shall be authenticated under the hand and seal of the Collector of Internal Revenue, in whose office the original of each must be filed.

SEC. 9. The aeronaut for the voyage, as an incident of which

any damage may be claimed, shall allow any party claiming to be so damaged to make and keep copies of any or all of the papers mentioned in Section 8.

SEC. 10. The certificate mentioned in Section 3 may be granted by the District Attorney of the United States for any judicial district, after such examination and tests as he may think fit to impose, to be conducted by himself or such persons as he may appoint or approve. It shall be signed by the clerk of the District Court of the United States in which he is attorney, and authenticated under the seal of the court.

The expense of such examination, tests, and certificate, shall be paid by the applicant for such certificate, in advance, and if a certificate be refused, the fee for the certificate shall be refunded to him.

SEC. 11. Said bond may be limited to be in force for only one year from the date of filing, or for any other term exceeding one year. If not so limited, it shall be in force during the life of the airship therein mentioned.

SEC. 12. No minor shall receive a certificate of competency.

SEC. 13. Fees under this act shall be collectible as follows:

To the district attorney.

For the examination and tests provided for by Section 10, such sum as he may demand in any instance, not exceeding \$25; for granting a certificate of competency, \$5.

To the clerk of the district court, for the issue of a certificate of competency under seal, \$2.

To the Collector of Internal Revenue.

For filing each certificate of competency or bond, \$1; for making, recording and certifying to each registry, \$2; for authenticating a copy of either certificate or of the bond, \$2; for approving or disapproving every bond offered for his approval, \$5.

SEC. 14. Any violation of any provision of this act by the owner or charterer of any airship, or by any aeronaut, shall be a misdemeanor, and punishable by a fine not exceeding \$1000 or by imprisonment for not exceeding thirty days, or by both, at the discretion of the court.

The committee cannot recommend the adoption of the resolution. The policy of the Association is not to propose legislation unless it is on a subject of general interest, and about which there can be no reasonable doubt as to the necessity for legislation. The navigation of the air has not become so general as to

permit uniform legislation, so as to fix with legal certainty rules for its government. How far the man who "goes up in a balloon" engages in interstate commerce, when he happens to be accidentally blown across an imaginary state line, your committee is not prepared at this time to decide, but it is of opinion, that the aviator should not be held to any greater liability than the modern common carrier. Commerce by air has not yet attained sufficient growth on which to justify its regulation by Congress; and even if legislation were desirable, it is not deemed proper to say that while a common carrier by land or water is excused from loss caused by the act of God, that a common carrier by air should be made responsible, whether injury resulted from negligence, or from inevitable accident, or *vis major*. Unless liability springs out of some contract, or arises out of some tort, the carrier should not be mulcted in damages, whether the carrier be by land, sea or air.

The resolution of Mr. Charles A. Boston (by request), relating to woman suffrage, is as follows:

WHEREAS, The American Bar Association recognizes that the denial to women citizens of the United States of full political rights and privileges is in contravention of the principles upon which the United States Government was established and upon which courts of law and equity are based; therefore it is resolved that this Association hereby recommends that the members hereof in their respective states assist in procuring equal suffrage for women.

It is not deemed proper for the Association to take part in any political discussion, and as the subject is not included within the objects of the Association, the committee does not recommend its adoption.

The other resolution by Mr. Boston is as follows:

Resolved, That the Committee on Jurisprudence and Law Reform be instructed to consider and report to the next annual meeting of this Association whether some efficient agency cannot be inaugurated under the auspices of this Association to promote the scientific and expert supervision of the formulation of laws in the United States, to the end that their number may be decreased, and their quality improved; or whether a special committee should be appointed to consider and act on the said subject.

It is self evident that no higher duty rests upon the American bar than that of advancing the science of jurisprudence. To effect this purpose, there should be "scientific and expert supervision of the formulation of laws in the United States, to the end, that their number may be decreased, and their quality improved," but it is evident that your committee cannot undertake this work, and that no special committee could accomplish it. The work can only be done by Congress, and we are informed there is now a federal commission engaged in it. No committee of this body could act, except in connection with a committee of Congress, or a commission raised by Congress. Any suggestion made by this Association to Congress that a committee from this body should undertake the formulation of the law might be misconstrued. Assuming that there is no commission now engaged in that work, it goes without saying that the work should be done, and should be well done. To that end, a commission of able, scholarly men should be raised, with every facility for research and investigation, and with compensation so respectable as to secure the services of the foremost thinkers and scholars of the country. Unless the work is comprehensively and scientifically done, it were better to leave it undone. If our information be correct that there is a commission engaged in this undertaking, then the Association can take no action in this behalf.

The resolution introduced by Mr. Sumner is as follows:

WHEREAS, It is a well-known fact that our federal judiciary receive salaries by no means comporting with the high dignity and importance of their office and their distinguished ability and honor in its administration; and

WHEREAS, This is a matter of concern to all good citizens of the republic without reference to party or political affiliation;

Resolved, By this Association that its President do appoint a committee of five of its members who shall formulate and propose to the Congress of the United States legislation for the proper compensation of the federal judiciary and shall ask the support and co-operation of all persons and organizations who can assist in the consummation of the same.

In view of the action taken by Congress on this subject, in the passage of a bill entitled: "An Act to Codify, Revise and Amend

the Laws Relating to the Judiciary, approved March 3, 1911, and to become effective January 1, 1912," your committee is of opinion that no further action in this matter is desirable.

Respectfully submitted,

P. W. MELDRIM, *Chairman*,
CHARLES CLAFLIN ALLEN,
WILLIAM A. KETCHAM,
M. F. DICKINSON,
JAMES M. BECK.

REPORT
OF THE
COMMITTEE ON JUDICIAL ADMINISTRATION AND REMEDIAL
PROCEDURE.

To the American Bar Association:

At the last meeting of the Association at Chattanooga, Tennessee, two resolutions were referred to your committee amounting to instructions:

First. To investigate the merits of a bill pending at the time in Congress to abolish the Circuit Courts of the United States, and to report to this Association the results of such investigation, and to request the committee of Congress on Revision of Laws to postpone action on said bill—not indefinitely, perhaps, but until Congress might be advised of the position of the American Bar Association concerning the expediency of such a law.

Second. To consider a plan for the organization of intermediate federal courts of appeals “which will be more satisfactory to the country at large and free from existing defects,” the atmosphere of which, according to the preamble, “is not distinct enough from the trial courts to be altogether satisfactory”; and to report to the Association the form of a bill suitable for enactment by the Congress of the United States creating such courts with an atmosphere peculiar, distinct and satisfactory.

Please to understand that your committee made strenuous efforts to obtain a postponement of Congressional action on the bills covering the subject-matter of these resolutions, but without avail. In reply to a letter of Senator Heyburn, Chairman of the Senate Committee, to the effect that the Association had been advised for more than four years of the measures pending;

that he expected final action to be taken at the pending session of Congress, the chairman of your committee replied as follows:

"I venture to suggest that there is frequently advantage in a wise delay; and unless there is some special reason for action at the present session, I renew the request that action be deferred until after the meeting of the American Bar Association in August, even though it be true, as you say, that the Association must have known for the last four years that some such act was in contemplation. . . . If the Association should register itself as opposed to the passage of the act, it would doubtless furnish reasons that your committees would be glad to consider and that might possibly modify your views. At all events, I am commissioned by the Association to urge this course upon you, and I the more readily comply with my instructions because, all things considered, I believe it will be the best and wisest course to pursue."

To which, under date January 4, 1911, Senator Heyburn replied:

"I will take up the matter with the committee at its next meeting. I think there is much wisdom in your suggestion in regard to the manner of proceeding, but will want to submit it to the committee before arriving at definite conclusions."

After March 3, 1911, when the bill was passed and became a law, Senator Heyburn wrote to your committee as follows:

"The Joint Committee on Revision of Laws gave serious consideration to your suggestion for postponement of action upon the measure, but it had been the subject of long and arduous consideration by the committee and they had given audience and attention to all the suggestions that had been made to it. They felt that it was time to close the question. I think Senator Root probably covered on the floor all of the suggestions that your Association had urged."

The consideration of the merits of a pending bill is one thing; holding an autopsy on a bill that has become a law is quite another thing. We take it that under the circumstances the Association is only interested to know that your committee made every effort to carry out the instructions of the Association, and was prevented from so doing by circumstances beyond its control.

But the Court of Appeals has become a thing apart, with an Olympian atmosphere as chill, thin and neutral as the Supreme Court itself.

Respectfully submitted,

HENRY D. ESTABROOK, *Chairman*,
WILLIAM P. BYNUM,
FREDERICK N. JUDSON,
WILLIAM A. BLOUNT,
FITZ-HENRY SMITH, JR.

REPORT
OF THE
COMMITTEE ON COMMERCIAL LAW.

To the American Bar Association:

Your Committee on Commercial Law reports as follows:

I. UNIFORM STATE COMMERCIAL LEGISLATION.

(a) *Uniform Negotiable Instruments Act.*—This act is now law in thirty-nine states, territories and possessions, but has not yet been adopted by the twelve states of Arkansas, California, Delaware, Georgia, Indiana, Maine, Minnesota, Mississippi, South Carolina, South Dakota, Texas and Vermont, and the three territories of Alaska, Porto Rico and Panama Canal Zone. It has been enacted in the Philippines since the last meeting of this Association.

(b) *Uniform Warehouse Receipts Act.*—This act is now law in the twenty-three states, territories and districts of California, Colorado, Connecticut, District of Columbia, Illinois, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia and Wisconsin.

It has been enacted in the states of Colorado, Missouri and Utah since the last meeting of this Association.

(c) *Uniform Sales Act.*—This act is now law in the seven states and territories of Arizona, Connecticut, Maryland, Massachusetts, New Jersey, Ohio and Rhode Island.

(d) *Uniform Bills of Lading Act.*—This act is now law in the eight states of Illinois, Iowa, Massachusetts, Maryland, Michigan, New York, Ohio and Pennsylvania.

It has been enacted in Illinois, Iowa, Michigan, New York, Ohio and Pennsylvania since the last meeting of this Association.

(e) *Uniform Transfer of Stock Act.*—This act is now law in the five states of Louisiana, Massachusetts, Maryland, Ohio and Pennsylvania.

It has been enacted in Ohio and Pennsylvania since the last meeting of this Association.

II. FEDERAL LEGISLATION ON BILLS OF LADING.

The importance of federal legislation on bills of lading pertaining to interstate and foreign commerce was emphasized by the annual message of President Taft on December 6, 1910, to the third session of the Sixty-first Congress, wherein he said (Government Printing Office Pamphlet, pages 83-84):

"For the protection of our own people and the preservation of our credit in foreign trade, I urge upon Congress the immediate enactment of a law under which one who, in good faith, advances money or credit upon a bill of lading issued by a common carrier upon an interstate or foreign shipment can hold the carrier liable for the value of the goods described in the bill, at the valuation specified in the bill, at least to the extent of the advances made in reliance upon it. Such liability exists under the laws of many of the states. I see no objection to permitting two classes of bills of lading to be issued: (1) Those under which a carrier shall be absolutely liable, as above suggested, and (2) those with respect to which the carrier shall assume no liability except for the goods actually delivered to the agent issuing the bill. The carrier might be permitted to make a small separate specific charge in addition to the rate of transportation for such guaranteed bill, as an insurance premium against loss from the added risk, thus removing the principal objection which I understand is made by the railroad companies to the imposition of the liability suggested, viz., that the ordinary transportation rate would not compensate them for the liability assumed by the absolute guaranty of the accuracy of the bills of lading."

At the last meeting of the American Bar Association, your committee was instructed to invite suggestions and criticisms on the subject of federal legislation pertaining to bills of lading in use in interstate and foreign commerce. Your committee held a public meeting for that purpose at the Hotel Sinton, Cincinnati, Ohio, May 29, 1911, and listened to addresses upon the subject.

Your committee has considered suggestions along five lines:

- (a) Stevens House Bill 4726 and Clapp Senate Bill 957 (which are identical) and which is the same bill referred to in our report of last year as it passed the House of Representatives.
- (b) A clean bill of lading containing no conditions.
- (c) A bill of lading pertaining to perishable commodities.
- (d) The Act to Make Uniform the Law of Bills of Lading as

heretofore endorsed by the Commissioners on Uniform State Laws and by this Association made applicable to interstate and foreign commerce.

(e) A guaranteed order bill of lading as suggested by President Taft in the message above referred to.

Your committee has given most careful consideration to these suggestions and the addresses and arguments adduced in support thereof but feel that the matter is of such importance that the committee should hold further public meetings and further consultations before making recommendations in reference thereto.

III. BANKRUPTCY.

(a) *Wisdom of Bankruptcy Act.*—After most thoughtful consideration, your committee desires to repeat what it said in its report made last year that "After a thorough investigation your committee is convinced that the National Bankruptcy Act is a wise measure and that every effort should be made to prevent its repeal."

On June 15, 1911, Mr. Clayton introduced into the first session of the Sixty-second Congress H. R. Bill No. 11662 to repeal the bankruptcy act. Every effort should be made to defeat the measure.

(b) *Receiverships.*—Owing to abuses which have arisen under the bankruptcy act it is suggested that clause 4, subdivision (a) of Section 3 of that act be amended so as to read as follows:

"Or, (4) made a general assignment for the benefit of his creditors, or being insolvent applied for a receiver or trustee for his property, or being insolvent, a receiver or trustee has been appointed for his property under the laws of a state, of a territory or of the United States."

(c) *Uniform Exemptions.*—Your committee has carefully considered the matter of an amendment to the bankruptcy act to provide for uniform exemptions. Your committee desires further light upon this subject before reporting thereon.

(d) *Distribution of Partnership and Individual Assets.*—It has been suggested to the committee that paragraph (f) of Section 5 of the bankruptcy act pertaining to the distribution of

partnership and individual assets be amended so that a partnership creditor would have a right to participate in both. Your committee is not prepared to report upon this suggestion at the present time and desires further time for its careful consideration.

IV. NATIONAL COMMERCIAL CODE.

At the last meeting of the Association, Mr. Joseph Wheless introduced a resolution providing for the enactment by Congress of a National Commercial Code. This resolution was referred to your committee and a copy is hereto attached and marked Exhibit "A." This was carefully and exhaustively considered at the public meeting above referred to and has had the most thoughtful consideration of your committee. Your committee does not deem it wise at this time to endorse this resolution and asks to be discharged from its further consideration.

V. INTERNATIONAL CONFERENCE ON BILLS OF EXCHANGE.

Mr. Charles A. Conant, American delegate to the International Conference for the Unification of Laws concerning Bills of Exchange and Promissory Notes, held at The Hague in the summer of 1910, at which Conference the subject of bills of exchange was considered, addressed your committee on the great work being done by that Conference. A second meeting of the Conference is to be held in the autumn of the present year at The Hague to consider further the subject of bills of exchange and also to consider the subject of checks. It is expected that later a similar conference will be held to consider the subject of promissory notes. The position of America as a world power in trade and commerce deserves the most careful consideration of the American Bar Association. Your committee is of the opinion that the American Bar Association should approve the purpose of the said Conferences, which is to secure, so far as possible, among the countries of the world, the unification of the law of bills of exchange, checks and promissory notes, and that the Association should urge continued participation by the United States in the Conferences. Your committee suggests that the Committee on International Law co-operate with your committee on this important subject.

VI. RECOMMENDATIONS.

In conclusion your committee recommends:

(1) That the American Bar Association give all assistance in its power in securing the enactment of the Uniform Acts on negotiable instruments, warehouse receipts, sales, bills of lading and transfer of stock.

(2) That the Committee on Commercial Law give further consideration to the subject of federal legislation on bills of lading and hold public meetings for the purpose of obtaining the opinions of experts thereon.

(3) That the American Bar Association oppose any attempt toward the repeal of the National Bankruptcy Act and exert every endeavor to defeat Clayton H. B. No. 11662 to repeal the bankruptcy act, and recommend that clause 4, subdivision (a) of Section 3 of the act be amended as above recommended, and that all other suggested amendments to the act be taken under further consideration by your committee.

(4) That your committee be discharged from further consideration of the resolution of Mr. Joseph Wheless, of St. Louis, for the enactment by Congress of a Federal Commercial Code.

(5) That the American Bar Association approve the purpose of the International Conference for the Unification of Laws concerning Bills of Exchange and Promissory Notes, and urge the continued participation of the United States in the Conferences, and that the Committee on Commercial Law be given power to take up with the Committee on International Law the subject of the said Conference.

Respectfully submitted,

FRANCIS B. JAMES, *Chairman,*

W. U. HENSEL,

ALDIS B. BROWNE,

ERNEST T. FLORANCE,

JOHN H. VOORHEES,

*Committee on Commercial Law of the
American Bar Association.*

July 15, 1911.

EXHIBIT "A"

"CONSIDERING, That among its organic purposes is that of promoting the improvement of the laws, and of securing a uniformity of legislation among the states particularly in respect of general commercial law, and to this end it has for years directed its efforts to secure the adoption by the several states of Uniform Laws on such commercial subjects as negotiable instruments, sales, bills-of-lading, warehouse receipts, corporate stock transfers, etc., all of which are essentially acts and instruments of commerce; and that it is highly desirable that all such commercial regulations should be uniform and uniformly enforced throughout the United States; and

"CONSIDERING, That the federal constitution vests in the Congress the power to regulate commerce between the states and with foreign nations, and that this power, as declared by the Supreme Court, is complete in itself and acknowledges no limitations other than are prescribed by the constitution, and that it extends to every act, means and instrumentality of interstate and foreign commerce, including legislation and contracts which directly affect or regulate such commerce.

"*Therefore, Resolved*, By the American Bar Association, that the federal Congress has plenary power under the constitution to enact laws governing all phases of commerce between the states and with foreign nations, and incidentally to prescribe the form, terms and conditions of commercial contracts and instruments used in carrying on such commerce, such as are now being sought to be made uniform by identical state legislation; and that such power may be exercised either by the enactment of a series of laws on the several subjects, or by a code of laws regulating all such general commercial acts and contracts; and

"*Resolved*, That the American Bar Association hereby declares in favor of the enactment by the national Congress of a Federal Commercial Code, embracing in one uniform legislative act all titles and subjects of interstate and foreign commerce, superseding thereby the conflicting regulations of the several states, tending to induce the several states to adopt the same regulation for their internal commerce, thereby securing a practical uniformity of legislation on commercial matters throughout the country, and placing the United States on commercial equality in point of legislation with the enlightened commercial nations of the world; and

"*Resolved*, That this Resolution be referred to the Committee on Commerce of this Association for its consideration and report, for the purpose of securing effective action in the premises."

REPORT
OF THE
COMMITTEE ON INTERNATIONAL LAW.

To the American Bar Association:

Your Committee on International Law would respectfully present its annual report, in which it seeks to embody, according to long established custom, the treaties and international incidents affecting the United States within the year since its last report.

CONFERENCE OF AMERICAN REPUBLICS.

The Fourth International Conference of American Republics met at Buenos Aires July 12, 1910, under the honorary presidency of the Honorable Philander C. Knox, Secretary of State of the United States, and Doctor Victorina de la Plaza, Secretary of State of Argentina. The work of the Conference was based wholly on a program adopted by the Governing Board of the Pan American Union in Washington. This board was given power to fix the time and place of the next meeting, which is to be convoked within five years. The conference adopted a modification of the previous treaty for the submission to arbitration of all pecuniary claims, which cannot be adjusted amicably through diplomacy, which requires that "The decisions shall be given in conformity to the principles of international law," and the limitation of the treaty to six years was done away and its duration made indefinite.

Treaties were also adopted as to copyrights, patents and trade marks, and it was provided, in accord with most recent and advanced views, that "the recognition of a right of literary property obtained in one state in conformity with its laws shall be of full effect in all the others without the necessity of fulfilling any further formality, whenever there appears in the

work some statement indicating reservation of the property right."

Somewhat kindred provisions were made as to patents and trade-marks. Recommendations were adopted for the unification and simplification of consular documents and customs regulations and for the limitation of consular fees, all in aid of international trade.

The adoption of the International Sanitary Convention of Washington was recommended.

See American Journal International Law for 1910, p. 933 to 941. Supp. American Journal International Law, for Jan. 1911, p. 1.

FISHERIES AWARD.

The last report of this Committee mentioned that the Arbitral Tribunal as to the New Foundland Fisheries was then in session at The Hague. It rendered its award September 7, 1910, closing a dispute which has been a source of difficulty both to the United States and Great Britain for seventy years past.

The United States claimed under the treaty of London of 1818, a right to take fish in treaty waters and on treaty shores subject to no regulation by local authority, or, if to any, only to reasonable and necessary regulations.

The first part of this claim was rejected by the award, but the submission to arbitration of any regulation claimed to be unreasonable was advised, and provision for notice of regulations and suspension of their enforcement at times for as long as seven months, was made and for hearing before an impartial court of experts as to reasonableness.

The United States fishermen had a right to take or cure fish within three marine miles of any bays. They claimed that this language applied only to bays not exceeding six marine miles in width and that it had no application whatever to great bays like the Bay of Fundy. The award held "the three marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have a configuration and characteristic of a bay." From this conclusion Doctor Drago

dissented. This finding is deemed very indefinite and unsatisfactory, but it is thought to leave an American vessel fishing in a great bay more than three miles from shore exempt from seizure by British authority; she is outside British territory, and if she violates the provisions of the treaty, is merely violating a treaty of her own country upon the high seas, and therefore to be punished only in the courts of her own country.

The other points decided were not deemed important as to international law, being merely interpretive, but are of great commercial advantage.

The award gives to American ship owners the right to employ non-inhabitants on their vessels in the treaty waters; to take fish in bays, creeks and harbors of the treaty coasts of New Foundland and Magdalen Islands.

American fishing vessels, it is held, may be required to report to customs officers, but only if conveniences therefor are provided, and report by telegram is enough; mere commercial formalities, duties, etc., not imposed on domestic fishermen shall not be imposed on American fishermen.

American fishermen entering for wood, water, etc., and remaining over forty-eight hours in Canadian bays or harbors may be required to report at the customs.

It was further held that there was nothing in the treaty to forbid vessels exercising both commercial and fishing privileges, if not during the same voyage. This is believed to mean that a ship may go out as a trader and return as a fisherman, or *vice versa*, and that the same voyage does not mean a round trip, but that the voyage out and the voyage back are separate voyages. See American Journal International Law, January, 1911, pp. 1 to 30; Vol. 4, p. 948.

CONFERENCE ON MARITIME LAW.

A further session on the third International Conference on Maritime Law was held at Brussels September 12 to 27. The topics discussed were (1) Collisions; (2) Salvage; (3) Maritime Liens, and (4) Limitation of Shipowner's Liability. No con-

clusion was reached as to the two last, but the previous convention as to salvage remained, and that as to collision was signed with certain reservations to prevent its affecting the provisions of the Harter act and other acts of Congress and to prevent actions for damages caused by death until action by Congress, and to limit certain provisions to Courts of Admiralty and Maritime Jurisdiction. *American Journal International Law*, January, 1911, p. 182.

INTERNATIONAL COURT OF PRIZE.

An additional protocol to the convention as to an International Court of Prize was signed at The Hague September 19, 1910, and with the original convention ratified by the Senate February 15, 1911. Under this protocol, in cases of constitutional difficulties in accepting the original convention, a signatory may limit recourse to the international court to actions for damages caused by the capture, and methods of procedure are fixed. Under this protocol any possible invasion of the constitutional jurisdiction of the Supreme Court of the United States is believed to be avoided. *American Journal International Law*, April, 1911, p. 302; *Supp. same*, April, 1911, p. 95.

AWARD AS TO THE ORINOCO STEAMSHIP COMPANIES CLAIM AGAINST VENEZUELA.

By agreement of February 13, 1909, the United States and Venezuela agreed to submit to a board of three arbitrators not citizens of either litigant, chosen from the permanent court of arbitration, a claim of the United States against Venezuela.

The matter of the Orinoco Steamship Companies claim was accordingly submitted to a tribunal consisting of the Cuban Minister at Berlin, M. Beernert, Minister of State of Belgium, and Professor Lammasch of the University of Vienna, member of the upper house of the Austrian Parliament. October 25, 1910, an award was made upholding the previous award of the umpire, Mr. Barge, made in 1904, as to \$1,209,701.04; but the new award allows to the United States several further claims

aggregating \$46,867.44 with three per cent interest from June 16, 1903, and \$7000 costs. The basis of the modification of the original award seems to be that the umpire erroneously felt himself bound by local and technical rules and legislation, or lack of specific notice, instead of by absolute equity, which is held to have been binding upon him.

The submission required a decision "upon a basis of absolute equity without regard to objections of a technical nature or of the provisions of local legislation." In so far as the previous award was based on lack of formal notice of the assignment of the right, required by the contract or local statute, Venezuela not having lacked actual knowledge, or been prejudiced by acting in ignorance, such previous award is modified as not in accord with the terms of submission above.

The award of costs is proportioned to the new awards to the United States.

The decision, in so far as favorable to the United States, holds her claims are in part sustained, thus establishing their justice *pro tanto*, and she is held entitled to a proportionate award of costs.

(Reference is made to the learned and extended discussion of this award and kindred modification of arbitral awards, by M. Ernest Nys: See "*La Revision de la Sentence Arbitral*:" "*Revue De Droit International et de Legislation Comparée*," *Tome XII, 2 Series, p. 595 to 641.*) American Journal of International Law, January, 1911, p. 35; see Award, p. 230.

DUTIES ON SAMPLES.

A declaration was signed at Washington December 3 and 8, 1910, by representatives of Great Britain and United States exempting Commercial Travellers' samples from customs inspection.

ARBITRATION AS TO CHAMIZAL TRACT.

The Chamizal Tract comprises about 600 acres between the channel of the Rio Grande of 1852 and the present channel, which has moved to the south. It has always been, physically

and geographically, a part of the city of El Paso, Texas, and includes the dwellings of about 6000 of its inhabitants.

Mexico claimed this tract before the boundary commission in 1894, but the Commission was unable to agree upon a decision.

By treaty of June 24, 1910, the question was again referred to the International Boundary Commission, to which was added a Canadian jurist, Hon. Eugene Lafleur, of Montreal, being ultimately designated. A decision was rendered June 15, 1911.

The treaty of Guadalupe-Hidalgo determined the boundary line by the middle of the deepest channel of the Rio Grande and provided that the Commissioners shall keep journals and make plans, and results agreed on by them shall be a part of the treaty. The Gadsen treaty of 1853 reiterates the above declarations.

The boundary convention of 1884 provides the boundary shall be as before "and follow the center of the normal channel of the rivers named," notwithstanding alterations in banks or courses by gradual erosion and deposit of alluvium and not by avulsion, but change by cutting a new bed by force of the current or deepening another channel shall not change the boundary as fixed in 1852, at the middle of the original channel, even if this be wholly dry.

Mexico claimed the boundary of 1848 and '53 was fixed and unchanged by alterations in the course of the Rio Grande; that the treaty of 1884 was not retroactive and did not apply, as the Chamizal Tract was mainly formed prior thereto; that the rapid and intermittent changes at El Chamizal were neither the "slow and gradual erosion and deposit" nor the cutting of a new bed provided for by the treaty, and therefore it was inapplicable; that the ordinary rules of international law as to river boundaries did not apply, as the Rio Grande was not a river but a torrential stream, and that the United States had acquired no title by prescription.

The United States claimed the treaties established a fluvial boundary; that the treaty of 1884 was retroactive and embraced all changes, except cutting of a new bed, which was not claimed. If it did not apply, that then the rules of international law as to avulsion and erosion applied with like effect, as the Rio Grande is a true river; also there was claim by prescription.

The presiding Commissioner, the Canadian jurist, with the United States Commissioner, held the Mexican claim of an invariable boundary, inadmissible, and that the treaties of 1848 and '53 established a fluvial boundary.

The Mexican Commissioner dissented. All three commissioners agreed that there was no title by prescription. The presiding Commissioner holds that changes up to 1864 were by "slow and gradual erosion and deposit" and that there has been no change of the bed of the river; that the changes from 1864 to '68 were not slow and gradual and therefore did not come under the terms of the treaty of 1884; that all which accreted after 1864 should be awarded to Mexico, but that the Commission will not locate the line of 1864, as no evidence has been submitted.

The Presiding Commissioner and the Mexican Commissioner award international title to the land between the boundary of 1852 and the middle of the bed of the river, before the flood of 1864 to the United States and to the balance of the tract to Mexico.

The American Commissioner dissented and denied the jurisdiction of the Commission to divide the tract, which had not been contemplated in the submission or argument, and claimed that the award of the majority introduced a novel and unsupported view in holding that there was such a form of change as rapid erosion and deposit not covered by the terms of the treaty as to slow changes or cutting a new bed, and also unknown to the common law; that this decision settles nothing, invites international litigation and breathes a spirit of "unauthorized compromise rather than judicial determination."

The agent of the United States also filed a protest because of the "departure from the terms of submission" and impossibility "of application." See *American Journal International Law* for July, 1911, pp. 709 to 714; and see for Treaty of Submission of 1910, Supplement *American Journal International Law*, April, 1911, p. 117.

CANADIAN RECIPROCITY.

By direction of the President, the Secretary of State of the United States dispatched two representatives of the Department of State as special Commissioners to Ottawa, Canada, authorized to take steps to formulate a reciprocal treaty agreement with Canada. The conference was adjourned to Washington and attended January 7, 1911, by two Cabinet Ministers of Canada, who on January 21 completed with the Secretary of State of the United States a reciprocal treaty agreement. This was transmitted to Congress by the President January 26, 1911, with a special message calling attention to the settlement of the Canadian Fisheries question by arbitration and to an equitable adjustment of through rates effected by our Interstate Commerce Commission and a similar body in Canada, and urging that a reciprocal treaty agreement was the logical sequence. The agreement substantially provides for free trade in agricultural products of the two countries, corresponding reductions of duty on secondary food products and considerable reduction in a number of manufactured goods. The two powers agreed to seek such legislative action as was necessary to carry out the agreement. The required legislation passed the House of Representatives in April and the Senate on July 22.

STATUTE TO PROVIDE EMBASSIES AND CONSULARIES.

By act approved February 17, 1911, Congress has authorized the Secretary of State to acquire in foreign countries sites and buildings, appropriated for by Congress, for diplomatic and consular establishments of the United States at an expenditure of not over \$500,000 in any fiscal year, or over \$150,000 at any one place. This policy is new as to European countries, except as to Turkey—our country having provided for some years a spacious and dignified Embassy building at Constantinople alone of European capitals. It is the natural result of our increased international intercourse and responsibilities, and therefore of the more complete and adequate diplomatic equipment required. See Supplement American Journal International Law, April, 1911, p. 128.

TREATY WITH JAPAN.

A new treaty of commerce and navigation with Japan was proclaimed April 5, 1911. It provides full and, in all respects, equal rights in all matters of trade, commerce, residence and intercourse for the nationals of each in the territory of the other. The treaty is the first of a series to be negotiated by Japan with the powers of the Caucasian race on the basis of complete and absolute equality, and it omits the stipulation in the previous treaty with the United States that the provisions therein "do not in any way affect laws, ordinances and regulations with regard to trade, and immigration of laborers, police and public security which are in force or which may hereafter be enacted in either of the two countries." It is hoped that these stipulations, fully recognizing the equality of the two peoples, may continue and cement forever relations of peace and amity between the two great maritime powers of the Pacific. It should be added that His Excellency the Ambassador of Japan in signing the treaty expressly declared by the authority of his government "that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States."

The treaty was confirmed by the Senate within five days after it was reported and, happily, without opposition from the portion of our country most directly interested. Supplement American Journal International Law, April, 1911, p. 100.

TREATY OF ARBITRATION WITH GREAT BRITAIN AND FRANCE.

Comprehensive treaties for arbitrating practically all disputes have been negotiated between the United States and Great Britain, and the United States and France, but have not yet been confirmed. They eliminate the exception in existing treaties as to questions of vital interest and national honor. All differences are to be submitted to The Hague Tribunal unless another is agreed upon.

The differences are to be referred to a Commission of Inquiry with power to make recommendations, the Commission to be

made up of nationals of the two governments. If the Commission decides for arbitration, this is binding. Arbitrations are to be conducted under terms of submission subject to the advice and consent of the Senate. The Commission, at the request of either government, shall delay its finding for one year to give opportunity for diplomatic settlement.

The proposed treaties have met with official and popular approval upon both sides of the Atlantic, and like treaties with Germany and Japan are mentioned as more than probable.

A new Anglo-Japanese treaty was signed July 13, 1911, providing that if either party conclude a treaty of general arbitration with a third power, the alliance shall not entail an obligation to go to war with that power. This has been everywhere hailed as a preparation for the final completion of the above arbitration treaty between the two great English speaking nations. No event in the history of international arbitration is of greater significance or more to be welcomed by the friends of international law and international justice.

FUR SEALS.

A treaty between the United States, Great Britain, Japan and Russia for the protection of fur seals was ratified by the Senate July 24, 1911. Its provisions become effective December 15.

On June 25, 1910, the Congress of the United States unanimously passed the following joint resolution:

"Resolved, By the Senate and House of Representatives of the United States of America in Congress Assembled, that a commission of five members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of governments for military purposes, and to lessen the probability of war."

The President on November 16, 1910, addressed circulars to ten of the principal governments of Europe and to Japan,

inviting them to appoint like commissions which should meet and seek to co-operate with our Commission. The replies were not sufficiently favorable to induce further action.

No appointments have as yet been made by the President under this act.

It should be observed that the Declaration of London modifying the Law of Prize has at last after two years been confirmed by action of the British Parliament and it is deemed probable that its ratification by the other signatories will rapidly follow.

Among the decisions of the highest interest in the matters of international law rendered within the year may be mentioned the case of *Virginia vs. West Virginia*, decided by the Supreme Court of the United States, March 6, 1911. This decision apportioned the debts of the two states on principles of justice as if the two were independent sovereigns, and makes the adjustment upon a basis of the relative wealth of the two states.

THE CARNEGIE PEACE FOUNDATION.

It seems fit to mention the Carnegie Peace Fund created by Mr. Andrew Carnegie by a deed of trust on December 14, 1910, bestowing in trust and in perpetuity the sum of ten millions of dollars, the revenue of which is to be administered by "The Trustees" to hasten the abolition of international war. It should be added that the trustees have declared, as among the objects of this foundation, "to establish a better understanding of international rights and duties and a more perfect sense of international justice among the inhabitants of civilized countries and a careful study of the principles of international law involved in peace and its maintenance."

Your committee believes that the objects of this noble foundation will have the hearty sympathy and efficient co-operation of the American Bar Association. *American Journal of International Law*, January, 1911, p. 210.

Your committee would further submit a schedule furnished by the Department of State under date of July 29 last, of treaties proclaimed since July 1, 1910, and of treaties which have been signed but ratifications of which have not yet been exchanged.

Your committee desires to call attention to the fact that international relations are more and more confided to the administration and control of the legal profession and are more and more withdrawn from military and purely diplomatic control. It is submitted that the growth of that tendency has never been more marked than during the past year. It is hoped that the lawyers of America may prove competent for the discharge of this high and enlarging trust and faithful and zealous in these delicate duties so profoundly affecting the peace and welfare of mankind.

CHARLES NOBLE GREGORY,
JAMES O. CROSBY,
JAMES BROWN SCOTT,
THEODORE S. WOOLSEY,
Committee on International Law.

SEMI-DISSENT AS TO DIPLOMATIC RESIDENCES.

The salaries of our Ambassadors, \$17,500, would provide in any foreign country a residence of sufficient respectability for a representative of republican simplicity, and still leave sufficient to provide for an average family so that the business of diplomacy would not be embarrassed for want of "visible means of support."

Since our nation has become a world power we have entered into competition with empires and kingdoms in foreign capitals in grandeur of social display till the original object of representation has become altogether secondary.

The profligate squandering of our public revenues makes new inventions for taxation necessary, and tends towards the disintegration of government by the people.

JAMES O. CROSBY.

TREATIES PROCLAIMED SINCE JULY 1, 1910.

Title	Signed	Proclaimed
Extradition with Dominican Republic	June 19, 1909.	August 26, 1910.
Great Britain—Boundary.		
Passamaquoddy Bay.....	May 21, 1910.	September 3, 1910.
Mexico—Title to Chamizal		
Tract	June 24, 1910.	January 25, 1911.

Mexico—Protocol to above...	December 5, 1910.	January 25, 1911.
Sweden—Consular	June 1, 1910.	March 20, 1911.
Japan—Commerce and Navigation	February 21, 1911.	April 5, 1911.
Japan—Protocol of Provisional Tariff Arrangement..	February 21, 1911.	April 5, 1911.
International—Repression of Circulation of Obscene Publications	May 4, 1910.	April 13, 1911.

TREATIES WHICH HAVE BEEN SIGNED BUT RATIFICATIONS OF WHICH HAVE NOT YET BEEN EXCHANGED.

Title	Signed	Ratified
International (Pan American)		
Pecuniary Claim.....	August 11, 1910.	March 21, 1911.
Protection of Trade-marks..	August 20, 1910.	March 21, 1911.
Inventions, Patents, Designs and Industrial Models	August 20, 1910.	March 21, 1911.
Literary and Artistic Copyrights	August 11, 1910.	March 21, 1911.
Great Britain		
Fur Seals.....	February 7, 1911.	March 6, 1911.
International		
Additional Protocol to Prize Court.....	September 19, 1910.	February 27, 1911.
Salvador		
Extradition	April 18, 1911.	June 8, 1911.

TREATIES WHICH HAVE BEEN SIGNED BUT NOT YET RATIFIED.

Great Britain—Arbitration of Pecuniary Claims..	August 18, 1910.
Honduras—Loan	January 10, 1911.
Nicaragua—Loan	June 6, 1911.

REPORT
OF THE
COMMITTEE ON OBITUARIES.

To the American Bar Association:

The Committee on Obituaries reports the names of members of whose deaths the committee has been notified since the last meeting, as follows, viz:

ALABAMA.

BESTOR, DANIEL P.....Mobile.
MILLER, JOS. N.....Camden.
RUSSELL, EDWARD L.....Mobile.

ARKANSAS.

DOOLEY, PATRICK GALLAN.....Little Rock.

CALIFORNIA.

KELLY, WM. R.....Los Angeles.
MUNSON, GILBERT D.....Los Angeles.
TRASK, WM. J.....Los Angeles.

CONNECTICUT.

MITCHELL, CHAS. E.....New Britain.

COLORADO.

HUGHES, CHAS. J., JR.....Denver.

DISTRICT OF COLUMBIA.

FISHER, SAMUEL TUCKER.....Washington.
HOYT, HENRY M.....Washington.

FLORIDA.

WILLIAMS, R. W.....Tallahassee.

GEORGIA.

ABBOTT, BENJ. F.....Atlanta.

ILLINOIS.

CASSODAY, ELDON J.....Chicago.
SHERMAN, E. B.....Chicago.

INDIANA.

BRADFORD, CHESTER Indianapolis.

LOUISIANA.

HALL, HARRY H. New Orleans.

KERNAN, THOMAS J. Baton Rouge.

MAINE.

LARRABEE, SETH L. Portland.

TURNER, LEVI. Portland.

MARYLAND.

SCHMUCKER, S. D. Baltimore.

SHARP, GEO. M. Baltimore.

MASSACHUSETTS.

BRYANT, JOHN DUNCAN. Boston.

SWASEY, GEORGE R. Boston.

MINNESOTA.

JAGGARD, EDWIN A. St. Paul.

MISSOURI.

BOYLE, WILBUR F. St. Louis.

FOWLER, A. C. St. Louis.

KARNES, J. V. C. Kansas City.

KLEIN, JACOB. St. Louis.

MONTANA.

KNOWLES, HIRAM Missoula.

DIXON, WILLIAM WIRT. Helena.

NEW YORK.

BENEDICT, ROBERT D. New York.

CONGER, CLARENCE R. New York.

DAVIES, WM. G. New York.

GOLDBERG, WM. V. New York.

HERENDEN, ED. G. Elmira.

MCKEEN, JAMES. New York.

SHEPHARD, EDWARD MORSE. New York.

SPEIR, GILBERT M. New York.

TREMAIN, HENRY ED. New York.

WHITNEY, ED. B. New York.

OHIO.

FOLLETT, MARTIN D..... Marietta.
MULLINS, FREDERICK J..... Salem.

PENNSYLVANIA.

ASHHURST, RICHARD L..... Philadelphia.
KEATOR, JOHN F..... Philadelphia.
PEALE, S. R..... Loch Haven.
RAWLE, FRANCIS WM..... Philadelphia.
RODDY, GEO. BLACK..... New Bloomfield.
WOLVERTON, S. P..... Sunbury.

SOUTH CAROLINA.

SIMPSON, S. J..... Spartanburg.

TENNESSEE.

BEARD, WILLIAM DWIGHT..... Knoxville.

TEXAS.

OGDEN, CHAS. W..... San Antonio.

WASHINGTON.

ANDERSON, A A..... Seattle.
HUDSON, ROBERT G..... Tacoma.
WHITSON, EDWARD Spokane.

WISCONSIN.

BASHFORD, R. M..... Madison.
FETHERS, OGDEN H..... Janesville.
PERELES, JAMES M..... Milwaukee.

Respectfully submitted,
GEORGE WHITELOCK,
SELDEN P. SPENCER,
J. NELSON FRIERSON.

REPORT
OF THE
COMMITTEE ON LAW REPORTING AND DIGESTING.

To the American Bar Association:

Your committee is a standing committee on a perennial subject, in which there is little that is new to be reported from year to year. The current of reported cases flows on in a steadily increasing stream but we need not repeat the complaints that have been made with regard to this, nor the suggestions that have been offered for restricting the volume of it.

A resolution was offered by Mr. Joseph Wheless, of St. Louis, at the last meeting of the Association referring to a point upon which the judges could do something to help us. There was no time then for discussion nor for bringing the resolution before the meeting and we may mention it now.

The suggestion was that a material reduction of the law reports and also a great improvement in the form of the judicial decisions themselves might be accomplished if there were omitted from the opinions the detailed and even verbatim reproductions of the testimony that are often found in the opinions and the numerous long quotations from decisions already reported. There are few cases in which long quotations from the testimony serve any useful purpose and in most of these cases the testimony and the discussion of it may well be omitted from the printed report. Still less is there need for making long quotations from opinions already easily accessible. We fully concur in this suggestion but we do not think it necessary to ask for a resolution on this particular point, nor to recommend, as suggested, that a letter be sent to all the judges of the state and federal courts inviting their adoption of these suggestions in the preparation and publication of their opinions. The whole subject has been pretty fully discussed and the importance of

avoiding all unnecessary prolixity in reported decisions has become evident to the Bench as well as to the Bar.

While the number of volumes of the reports is increasing, there is a constant tendency toward the more definite settlement of legal principles and rules of law. On many important topics these rules and principles have already been stated in statutory form and adopted by many of the states. There are other topics on which the law is ripe for statement in this manner and this Association will do well to go on with the good work it has begun in taking part with the Commission on Uniform State Laws in preparing statutes embodying settled rules of law on topics of common interest.

It has been suggested that we bring before the Association the advisability of endeavoring to bring about something like uniformity in the arrangement and classification of the statutory law of the several states. What is proposed is not so much a rearrangement of the statutes of the several states as an arrangement under uniform titles, so that any one having occasion to study the statutory laws of different states on a given subject may find them under the same title and not be obliged to resort to the general index. The business of the country is no longer divided by state lines, but the law which governs that business is made up of the laws of forty-four different states. The great body of the law has the uniformity of a common origin and the statutes have some similarity, arising partly out of similarity of conditions and to a large extent from imitation, but there are great differences in the names under which the statutes are arranged. The fact that the business extends over many states makes it necessary that the statute law of any state on a given subject should be found easily, and it would be a great help to this if the statutory law on subjects of general interest were divided under some common plan and grouped under common names.

A logical classification common to all would perhaps be impracticable. The alphabetical arrangement in use in most of the states would answer the purpose if only the names used to designate the subject were not diverse. It would be well, for

example, if there were some common practice with regard to the title under which statutes should be found relating to streets, roads and highways, by whichever name they are called, and if it were known whether chattel mortgages were treated under that name or under the title mortgages or the title liens. Factory and labor legislation is often combined and is found under either title and sometimes under the head of "operatives," and many other illustrations might be given.

Mr. J. E. Cobbey, of the Nebraska Bar, who brought this subject to our attention, has himself taken up the matter with the Revisers of the Wisconsin Statutes and is discussing with them the advisability of using a modification of the Dewey Decimal System in numbering sections of statutes. The use of this in ordinary libraries is familiar. In explaining the application of this system to the statutes, Mr. Cobbey says: "The number before the decimal point would indicate the chapter, which, of course, would be the general subject. The number after the decimal point would indicate the different branches of the subject. This, of course, would have two advantages. The number of the section containing legislation on any given subject or subdivision thereof would be the same in all the states adopting the plan, or within two given numbers, as it might vary a little in the sub-divisions, because the users of the system would not all be qualified experts. It would also prevent the duplication of numbers or lettering of numbers, as with that system it is possible to have in reserve numbers for every possible vagary of legislation on each sub-division."

There are of course, objections to having changes made in the arrangement of the statutes of one's own state, with which one has become familiar, but the advantages of a uniform and rational classification are great and it is worth making the effort to bring it about. A digest published with such a plan in view would soon be followed by others and there are digests and statutes already which follow the classification made familiar to the whole country in the Century Digest of reports.

We commend the subject to the consideration of the Association and invite discussion upon it.

Our report for 1908 contained a list of the Digests published from 1890 to 1908. Last year there was a list of more recent digests and the following shows the digests and cyclopædias published since last year's report:

American Digest, Annual Key Number Series, Vols. 9-10, 1910-11. St. Paul. West Publishing Co., 1910-1911.

American Digest, Decennial Edition, 1897-1906. Vols. 18, 19, 20. Scire Facias—Zinc. St. Paul. West Publishing Co., 1910-1911.

Encyclopedia of U. S. Supreme Court Reports. Thomas Johnson Michie, editor, Vols. 10-11. Public Lands—Zinc. The Michie Co., Charlottesville, Va., 1910-1911.

Complete California Digest, Supplementary, 1907-1910, by James A. Ballentine. San Francisco, Bancroft-Whitney Co., 1910.

The Kansas Digest, American Digest Classification and Key Number System. 5 Vols. St. Paul: West Publishing Co., 1909-1910.

The Cyclopædic Digest, for Illinois, Annotated. Vol. 11. Landlord and Tenant—Youth. St. Paul: Keefe-Davidson Company. 1909.

Notes on Illinois Reports, Chicago, Callaghan & Co., 1910.

Indiana Digest, Annotated. American Digest Classification and Key Number System, Vol. 1-6. Abandonment—Maxims. St. Paul: West Publishing Co., 1910-1911.

Maryland Code of Public General Laws, Annotated by George P. Bagby of the Baltimore Bar. In preparation. 2 Vols.

Notes on Minnesota Reports, including the citation of each case as a precedent in any court of last resort in this country in the notes of the leading annotated reports and in all important text books. Vol. 1, including 1-25 Minn. Rep. Rochester, N. Y., 1911.

Vale's Pennsylvania Digest, 1754-1907, Vols. 6 and 7. Libel and Slander—Quo Warranto. Philadelphia, The George T. Bisel Co., 1911.

Monaghan's Cumulative Annual Digest, Volume of 1910, Soney & Sage, Newark, N. J., 1910.

Digest of Pennsylvania. County Court Reports. Vols. 1-35, by D. Clarke Good. 1 Vol. Philadelphia, T. & J. W. Johnson, 1910.

Complete Digest of Texas Decisions, compiled by R. A. Reese, 3 Vols. Chicago, T. H. Flood & Co., 1910.

The Vermont Digest, Annotated. American Digest Classification; Key Number System. St. Paul, West Publishing Co., 1911.

American & English Encyclopædia of Law and Practice, edited by William M. McKinney and David S. Garland, Vol. 5, including Assignments for the Benefit of Creditors. Northport, Long Island, N. Y. Edward Thompson Co., 1910.

Cyclopedia of Law and Procedure, edited by William Mack, LL. D. Vols. 36-37. Shipping—Tenancy, New York: The American Law Book Co., 1910-1911.

Cyc. Annotations to Cyclopedia of Law and Procedure, Vols. 1-36, 1901-1911; New York: the American Law Book Co., 1911.

Current Law, Annotated. A complete Encyclopedia of New Law. Vol. 14, Indictment—Witnesses, Vol. 15 and Vol. 16, parts 1, 2, and 3. Abandonment—Libel and Slander. St. Paul, Keefe-Davidson Co., 1910-1911.

Corporation Manual. Statutory Law of all the States relating to Business Corporations, John S. Parker, Editor, 16th Ed. and Supplement. Corporation Manual Co., New York, 1910.

The Laws of England, edited by the Earl of Halsbury and other lawyers. T. Willes Chitty, managing editor, Vol. 5. (Companies) Vols. 11-15. (Descent—Guaranty) London. Butterworth & Co., 1910-1911.

Encyclopædia of the Laws of England. First Annual Supplement, 1911, edited by Max A. Robertson, London and Edinburgh. Sweet & Maxwell, Ltd., and Wm. Green & Sons.

EDWARD Q. KEASBEY, *Chairman.*

WILLIAM V. KELLEN,

NATHAN WILLIAM MCCHESNEY,

WILLIAM DRAPER LEWIS,

WILLIAM T. BRANTLY,

Committee.

REPORT

OF THE

COMMITTEE ON PATENT, TRADE-MARK AND COPYRIGHT LAW.

To the American Bar Association:

The Committee on Patent, Trade-Mark and Copyright Law beg leave to submit the following report on the subject of the bill to create a United States Court of Patent Appeals.

At the time of our report submitted at the Chattanooga meeting the bill was pending in both branches of Congress. It had been crowded out of any chance of favorable consideration during the first session of the 61st Congress by the pendency of the bills to create the Customs Court and the Commerce Court. It was known (then) that the 62d Congress would be composed in large part of new members to whom the subject of a Court of Patent Appeals would be unfamiliar, and it was considered important to make a supreme effort to secure action on the bill during the short session which remained of the 61st Congress. This recommendation was approved by the Association and acted on by the committee. The bill had been considered and favorably reported by the Senate Committee on Patents, and it seemed to us that that end of the Capitol afforded the more hopeful field of endeavor; and we accordingly concentrated our efforts there. Upon the favorable report by the Committee on Patents the bill was referred by the Senate to its Judiciary Committee, and by that committee to a sub-committee of its own members. There was a hearing before the sub-committee which was attended by your committee and other friends of the bill. The oral discussions there presented were supplemented by written arguments and statistics and much personal work by members of the committee. One of us in particular haunted the Senate corridors for a week endeavoring to impress senators, and especially members of the Judiciary Committee, with the merits of the bill. The outcome was that the sub-committee reported to the

Judiciary Committee that there ought to be a court of final jurisdiction in patent causes, but that that end would be well enough met by conferring that jurisdiction on the Commerce Court. This report was not in writing, but was verbally communicated to the full committee. The Judiciary Committee concurred in this view, but made no formal report on the subject. We have understood that a bill was introduced at that session for a law along that line, but have not been able to verify the information by a copy of the bill. But a bill has been introduced in the Senate at the present session (Senate 2432, May 18, 1911) conferring on the Commerce Court in very brief terms final jurisdiction in all patent causes. It is impossible for your committee to advise the Association to accept such a disposition of the subject. The Commerce Court is not organized as an appellate court. It is a court of first instance created to take the place of the circuit courts in the disposition of questions arising under the interstate commerce law with appeals from its decisions direct to the Supreme Court. Nothing could be more incongruous than the jurisdiction which would be conferred upon it by making it the court of last resort in patent causes. The only possible excuse that can be offered for such a proposal is to save the expense of another court. But the most careful estimate that can be made shows that the work of the United States Court of Patent Appeals organized in the manner approved by the Bar Association will tax to the utmost the time and strength of the five judges who are to compose it. If the work the Commerce Court was organized to do will keep its five judges busy, the proposal is to try to make five judges do the work of ten. If the business of that court will not keep its judges occupied, the remedy is to lessen their number.

Another proposal of similar sort has come forward in a bill introduced in the House a few weeks ago (H. R. 9318, May 12, 1911) to vest final jurisdiction in patent causes in the Court of Appeals of the District of Columbia, to which similar objections apply.

That court was created eighteen years ago with three judges appointed for life to hear appeals in all sorts of cases from the

Supreme Court of the District of Columbia, to which was added the determination of appeals from decisions from the Commissioner of Patents in *ex parte* and in interference cases. The pending bill proposes to add two more judges to its bench who are to be circuit judges of the United States designated by the Chief Justice of the Supreme Court to sit for six-year periods—one designation to be made every three years. As to those two judges the bill follows the scheme of our bill. The jurisdiction of the court, however, would be more heterogeneous than that proposed for the Commerce Court. It would embrace litigations of every kind that can arise in the District of Columbia and the Patent Office, with final jurisdiction in patent causes piled on top. Manifestly, the reasonable, sensible thing to do is to leave the Court of Appeals of the District of Columbia as it is, and add three more federal judges to the two provided for in the bill and make it a United States Court of Patent Appeals. In view of the vast interests involved in the administration of our patent laws the expense of providing the three additional judges is a wholly minor consideration.

Congress seems to be ready to give us everything except what we want. The discussion of the subject which has accompanied the movement inaugurated under the auspices of this Association to secure the creation of a single court of last resort in patent causes has brought about a widespread and insistent demand throughout the country for relief from the evils which attend our present system. The proposals to which we have referred and others like them are in response to that demand. But they are mere makeshifts. The patent system of our country is a great and important and permanent part of its jurisprudence. No more difficult task was ever put upon a court than will devolve upon a tribunal charged with the unification and reformation of the administration of our patent law. It is not a passing job for today or tomorrow, but a work for all time to come. The court, properly organized, will be as permanent and scarcely less important than the Supreme Court itself. We know that it will furnish from the first term of its sitting full employment for five judges. We have the judges perfectly equipped in every

respect to constitute the ablest patent court that ever sat, and our bill provides a simple and practical way to select them for their work. What reason or sense is there in going around the barn to find some other way of doing it? In the opinion of your committee there is nothing for the Association to do but to persevere along the lines which it has been following. That we shall succeed sooner or later is not to be doubted. Indeed, we are receiving a support now which, with proper efforts on our part, is bound to bring success soon. It is the general endorsement of our bill by manufacturers, manufacturing companies and trade associations of all kinds. If there is any request to which a member of Congress will and ought to listen with attention, it is from manufacturers and business men among his constituents. We have good hope to receive such strength of support from that quarter as will, added to the active efforts of the members of this Association, secure the passage of the bill at the next session of Congress.

It is gratifying to add that a bill to create a United States Court of Appeals substantially identical with the Association bill was lately introduced in the House by Mr. Sulzer, of New York, and referred to the Committee on Patents, where it is pending concurrently with the bill which we have mentioned, to vest final jurisdiction in patent causes in the Court of Appeals of the District of Columbia. It is H. R. 9843, introduced May 18, 1911. We do not expect that action will be taken on any of these bills before the assembling of the regular session, but to be sure on that point we will communicate with the committee to which they have been referred, and when we are advised that they are ready to hear from citizens on the subject we shall call loudly on the members of this Association to come to our aid. We owe to Mr. Sulzer our best efforts to assist him in the passage of his bill.

Respectfully submitted,

ROBERT S. TAYLOR,
ARTHUR STEUART,
FREDERICK P. FISH,
JOSEPH R. EDSON,
OTTO R. BARNETT.

NOTE.—We append a copy of Mr. Sulzer's bill now pending in the House as stated in the foregoing report. It is identical with the bill which your committee, with the approval of the Association, has been advocating before Congress, except that the salaries provided for the judges are lower than your committee has advised and we fear will be too low to induce the eminent judges who ought to compose the court to accept seats in it. But this is a feature which can be discussed as consideration of the bill proceeds.

A BILL

TO ESTABLISH A UNITED STATES COURT OF PATENT APPEALS, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a United States Court of Patent Appeals, which shall consist of five judges, of whom four shall constitute a quorum, and shall be a court of record with jurisdiction as is hereinafter limited and established. Such court shall prescribe the form and style of its seal and the forms of its writs and other process and procedure as may be conformable to the exercise of its jurisdiction as shall be conferred by law. The President shall have power, by and with the consent of the Senate to appoint the marshal of the court, who shall have the same powers and perform the same duties under the regulations of the court as are now provided for the marshal of the Supreme Court of the United States, so far as the same may be applicable. The court shall also appoint a clerk, who shall have the same powers and perform the same duties now possessed and performed by the clerk of the Supreme Court of the United States, so far as the same may be applicable. The salary of the marshal of the court shall be two thousand five hundred dollars a year, and the salary of the clerk shall be five thousand dollars a year, both to be paid monthly in twelve equal payments. The costs and fees now provided by law in the Supreme Court of the United States shall be the costs and fees in the United States Court of Patent Appeals; and the same shall be collected, expended, accounted for, and paid over to the Treasury Department of the United States in the same manner as is provided by law in respect to the costs

and fees in the Supreme Court of the United States. The court shall have power to establish all needful rules and regulations for the conduct of its business within its jurisdiction as conferred by law.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a chief justice of said United States Court of Patent Appeals, and as vacancies occur shall in like manner appoint others to fill such vacancies from time to time. The acceptance of that office by a judge of the Circuit Court or District Court of the United States shall vacate his office as circuit or district judge.

SEC. 3. That upon the taking effect of this act the Chief Justice of the Supreme Court of the United States shall designate from among the judges of circuit and district courts of the United States four judges to sit as associate judges of the United States Court of Patent Appeals, two of them to sit for three years from the first day of the first term thereof, and two of them to sit for six years from the first day thereof, as associate judges of the same court. And after that, as the periods expire from which such designations shall have been made, the Chief Justice of the Supreme Court of the United States shall fill the vacancies thus occurring by designation of the same or other judges from among the judges of the circuit courts and the district courts of the United States, to sit for periods of six years each. In case of the death, resignation, or disability of any associate judge of the said court, or of his resignation of his seat in said court, the Chief Justice of the Supreme Court shall designate another judge of a Circuit Court or a District Court of the United States to sit for the unexpired period for which his predecessor had been designated. The designation of a judge of the Circuit or District Court of the United States to sit as associate judge of the United States Court of Patent Appeals must be with his consent, and his service in that court shall not vacate his office as judge of the Circuit Court or District Court, as the case may be.

SEC. 4. That a term of the United States Court of Patent Appeals shall be held annually at the city of Washington, be-

ginning on the second Monday of October in each year, and the same may be adjourned from time to time as the court shall order. If at any time for the meeting of the court a quorum of the judges shall not be present, the judges present may adjourn the court, and, if necessary, adjourn again from time to time until a quorum appear. If at any sitting of the court the Chief justice shall be absent, the associate judge senior in commission as Judge of the Circuit Court of the United States, or senior in age in case of commissions of even date, shall preside. If no judge of a Circuit Court shall be present, the associate judge senior in commission as a judge of a District Court of the United States, or senior in age in case of commissions of even date, shall preside. Until it shall be otherwise provided by Congress the sessions of the court shall be held in a building or rooms to be provided by the marshal of the District of Columbia under the direction and approval of the Attorney-General of the United States. The court shall by order authorize its marshal to employ such deputies and assistants for himself and the clerk of the court and such criers, bailiffs, and messengers as the business of the court shall require, and to pay the salaries of such employees at rates of compensation not exceeding those paid for similar services in the Supreme Court of the United States, and to pay all other necessary incidental expenses of the court. The Chief Justice and each of the associate judges shall be entitled to employ a clerk, whose salary, at a rate not exceeding that allowed the clerks of the Chief Justice and associate justices of the Supreme Court, shall be paid as part of the expenses of the court. The court shall have power, in its discretion, to appoint a reporter and to fix by order his salary or other compensation for a sum not to exceed three thousand dollars annually and direct the form and manner of the official publication of its decisions.

SEC. 5. That the Chief Justice of the United States Court of Patent Appeals shall receive a salary of ten thousand dollars per year. The circuit judges of the United States sitting as associate judges of the same court shall each receive the salary allowed him by law as a circuit judge, and in addition thereto, during the time of his service as associate judge of the United States Court

of Patent Appeals, but not longer, such additional sum as will make his entire compensation during that service nine thousand five hundred dollars per annum. The district judges sitting as associate judges of the United States Court of Patent Appeals shall each receive the salary allowed to him by law as district judge, and in addition thereto, during the term of his service as associate judge of the United States Court of Patent Appeals, but no longer, such additional sum as will make his entire compensation during that service nine thousand five hundred dollars per annum. All the said salaries shall be payable in twelve equal monthly installments. The time during which any judge shall serve in said court shall be deemed continuous service with that in any other court of the United States, before or after such service within the meaning and intent of section seven hundred and fourteen of the Revised Statutes. The additional compensation received by a circuit or district judge while sitting as associate judge of the United States Court of Patent Appeals shall not be taken into account in determining the amount to be received by him after retirement.

SEC. 6. That the United States Court of Patent Appeals shall have jurisdiction to hear and determine appeals and writs of error from final judgments and decrees in the Circuit Courts of the United States in cases arising under the laws of the United States relating to patents for inventions, and from final judgments and decrees in cases arising under the laws of the United States relating to patents for inventions rendered by any other court having jurisdiction under the laws of the United States to hear and decide such cases in the first instance:

Provided, however, That it shall have no jurisdiction in cases originating in the Court of Claims. All such appeals shall be taken within six months after the entry of the order, judgment, or decree sought to be reviewed. The practice, procedure, and forms to be observed in the taking, hearing, and determination of such appeals and writs of error shall conform to the practice, procedure, and forms observed in like cases in the Supreme Court of the United States, subject to such rules and regulations as shall be prescribed by the court.

SEC. 7. That whenever, by an interlocutory order or decree in a Circuit Court of the United States, or other court having jurisdiction under the laws of the United States to hear and decide in the first instance cases arising under the patent laws, in a case in which an appeal may be taken from the final decree of such court to the United States Court of Patent Appeals, an injunction or restraining order shall be granted, or refused, or continued, or vacated, or modified, or retained without modification after motion to modify the same, an appeal may be taken from such order or decree by the party aggrieved to the United States Court of Patent Appeals: *Provided*, That the appeal must be taken within thirty days from the service of the notice of entry of such order or decree; and it shall take precedence in the Appellate Court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or the United States Court of Patent Appeals, or a judge thereof, during the pendency of such appeal.

SEC. 8. That the Chief Justice and the associate judges of the United States Court of Patent Appeals shall each exercise the same powers in term and vacation in the allowance of appeals, supersedeas orders, and other matters incidental to the jurisdiction and business of the court as are now exercised by the Chief Justice and associate justices of the Supreme Court of the United States in relation to the business and jurisdiction of that court.

SEC. 9. The decisions of the United States Court of Patent Appeals in all cases within its appellate jurisdiction shall be final, except that it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to it for its review and determination, with the same power and authority in the case as though it had been carried by appeal or writ of error from the trial court directly to the Supreme Court.

SEC. 10. That whenever any case shall have been certified from the United States Court of Patent Appeals to the Supreme Court of the United States, by certiorari or otherwise, it shall be, upon its determination by the Supreme Court, remanded to the

of Patent Appeals, but not longer, such additional sum as will make his entire compensation during that service nine thousand five hundred dollars per annum. The district judges sitting as associate judges of the United States Court of Patent Appeals shall each receive the salary allowed to him by law as district judge, and in addition thereto, during the term of his service as associate judge of the United States Court of Patent Appeals, but no longer, such additional sum as will make his entire compensation during that service nine thousand five hundred dollars per annum. All the said salaries shall be payable in twelve equal monthly installments. The time during which any judge shall serve in said court shall be deemed continuous service with that in any other court of the United States, before or after such service within the meaning and intent of section seven hundred and fourteen of the Revised Statutes. The additional compensation received by a circuit or district judge while sitting as associate judge of the United States Court of Patent Appeals shall not be taken into account in determining the amount to be received by him after retirement.

Sec. 6. That the United States Court of Patent Appeals shall have jurisdiction to hear and determine appeals and writs of error from final judgments and decrees in the Circuit Courts of the United States in cases arising under the laws of the United States relating to patents for inventions, and from final judgments and decrees in cases arising under the laws of the United States relating to patents for inventions rendered by any other court having jurisdiction under the laws of the United States to hear and decide such cases in the first instance:

Provided, however, That it shall have no jurisdiction in cases originating in the Court of Claims. All such appeals shall be taken within six months after the entry of the order, judgment, or decree sought to be reviewed. The practice, procedure, and forms to be observed in the taking, hearing, and determination of such appeals and writs of error shall conform to the practice, procedure, and forms observed in like cases in the Supreme Court of the United States, subject to such rules and regulations as shall be prescribed by the court.

SEC. 7. That whenever, by an interlocutory order or decree in a Circuit Court of the United States, or other court having jurisdiction under the laws of the United States to hear and decide in the first instance cases arising under the patent laws, in a case in which an appeal may be taken from the final decree of such court to the United States Court of Patent Appeals, an injunction or restraining order shall be granted, or refused, or continued, or vacated, or modified, or retained without modification after motion to modify the same, an appeal may be taken from such order or decree by the party aggrieved to the United States Court of Patent Appeals: *Provided*, That the appeal must be taken within thirty days from the service of the notice of entry of such order or decree; and it shall take precedence in the Appellate Court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or the United States Court of Patent Appeals, or a judge thereof, during the pendency of such appeal.

SEC. 8. That the Chief Justice and the associate judges of the United States Court of Patent Appeals shall each exercise the same powers in term and vacation in the allowance of appeals, supersedeas orders, and other matters incidental to the jurisdiction and business of the court as are now exercised by the Chief Justice and associate justices of the Supreme Court of the United States in relation to the business and jurisdiction of that court.

SEC. 9. The decisions of the United States Court of Patent Appeals in all cases within its appellate jurisdiction shall be final, except that it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to it for its review and determination, with the same power and authority in the case as though it had been carried by appeal or writ of error from the trial court directly to the Supreme Court.

SEC. 10. That whenever any case shall have been certified from the United States Court of Patent Appeals to the Supreme Court of the United States, by certiorari or otherwise, it shall be, upon its determination by the Supreme Court, remanded to the

Circuit Court of the United States or other court in which it originated for further proceedings to be taken in pursuance of such determination. And in every case determined by the United States Court of Patent Appeals upon appeal or writ of error the case shall be remanded to the Circuit Court of the United States, or other court from whence it came, for further proceedings to be taken in pursuance of such determination.

SEC. 11. That all appeals and writs of error in cases in which appellate jurisdiction is by this act conferred upon the United States Court of Patent Appeals which shall have been pending without hearing in the United States Circuit Courts of Appeals or other courts of appellate jurisdiction for less than three calendar months prior to the taking effect of this act shall be transferred from such Circuit Court of Appeals or other courts to the United States Court of Patent Appeals and be heard and determined in that court as though they had been taken there from the trial courts by appeal or writ of error, without further payment for certifying the record or any new or additional docket or calendar fees; all other appeals and writs of error in cases in which appellate jurisdiction is by this act conferred upon the United States Court of Patent Appeals which shall be pending in the United States Circuit Courts of Appeals or other courts of appellate jurisdiction at the time of the taking effect of this act shall remain and be heard and determined by the courts in which they may be pending, respectively, as though this act had not been passed.

SEC. 12. That after the taking effect of this act no appeal or writ of error shall be taken from any Circuit Court or other court of the United States to any United States Circuit Court of Appeals or other Appellate Court in any case in which an appeal or writ of error may be taken to the United States Court of Patent Appeals under the provisions of this act.

SEC. 13. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 14. That this act shall take effect and be in force six months after its enactment.

REPORT
OF THE
COMMITTEE ON INSURANCE LAW.

To the American Bar Association:

Your Committee on Insurance Law respectfully report:

At the Detroit meeting in August, 1909, the Association endorsed a bill providing for the creation of a commission to prepare an insurance code for the District of Columbia. That bill was introduced in both Houses of Congress. The House Committee on the District of Columbia reported favorably upon the bill and recommended its passage. It was introduced in the Senate by Senator Bulkeley of Connecticut.

The purpose of this bill was and is not only to secure for the District of Columbia, where the insurance laws are said to be the worst in the United States, an adequate insurance code under which the patrons and policyholders of insurance companies shall be protected, and under which legitimate underwriting can also be protected and the illegitimate and wild-cat insurance schemes stamped out of existence, but a code which, when enacted by Congress, will serve as a model for the several states.

There are no two opinions about the necessity for such legislation as applied to the District of Columbia, nor concerning the desirability of an insurance code uniform throughout the country. But there were objections to the creation of the commission provided for in the bill endorsed by the Association, and shortly before the Chattanooga meeting in 1910, the Senate passed a resolution authorizing and directing the Committee on the District of Columbia, by sub-committee or otherwise, "to prepare a code of laws for the regulation and control of insur-

ance companies doing business within the District of Columbia." The committee charged with that duty, consisting of Senator Bulkeley of Connecticut, chairman, and Senators Gallinger of New Hampshire, Burkett of Nebraska, Smith of Maryland, and Fletcher of Florida, was appointed after adjournment of Congress, and, as your committee is advised, the Senate Committee progressed so far with its work as to compile the insurance laws of the several states.

On January 23, 1911, Senator Bulkeley wrote the chairman of your committee as follows:

"The committee (referring to the Senate sub-committee already spoken of) are just beginning to realize the magnitude of the work and the necessity for competent experts in the preparation of an insurance code for the District if we are to have a model code which will commend itself to other communities where insurance laws are in vogue. This, of course, will cover every state."

And on February 6, Senator Bulkeley advised your chairman that nothing could be done, either by the sub-committee or with the original bill approved by the Association, during the session of Congress which ended March 4 last. At that date the terms of both Senators Bulkeley and Burkett expired, and the sub-committee will of necessity have to be reorganized.

Your committee remain of the opinion that if the attention of Congress can be directed to the gravity of the insurance situation and the enormity of the evils discussed in previous reports of your committee which ought to be corrected, that it is entirely feasible to ultimately secure insurance reform in the United States, beginning in the District of Columbia through the adoption of a model code for the District which, with the endorsement of the Association, will be presented for adoption by the several states.

Your committee ask that they be instructed to urge upon Congress the enactment of the bill endorsed at the Detroit session of the Association, or its equivalent; and that they be authorized to co-operate with the House and Senate committees

on the District of Columbia to secure the preparation of an insurance code for the District, with the view to its ultimate adoption in the several states.

Respectfully submitted,

RALPH W. BROKENRIDGE, *Chairman*,

RODNEY A. MEBOUR,

WILLIAM R. VANCE,

WM. H. BURGESS;

FREDERICK L. GEDDES.

REPORT
OF THE
COMMITTEE ON UNIFORM STATE LAWS.

To the American Bar Association:

The Committee on Uniform State Laws respectfully reports: Two acts in completed form have been added to those heretofore brought to the attention of the American Bar Association since the last annual report of this committee was prepared. These are proposed uniform acts, one on the subject of desertion and non-support, entitled, "An Act Relating to Desertion and Non-Support of Wife by Husband, or of Children by either Father or Mother, and Providing Punishment therefor; and to Promote Uniformity between the States in Reference thereto," and the other an act entitled "An Act Relative to Wills Executed without this State, and to Promote Uniformity among the States in that Respect." Both of these acts are printed in the reports of the American Bar Association for the year 1910 at pp. 1179 and 1181.

DESERTION ACT.

The Desertion Act has already passed in five states.¹ It has been criticised because it does not cover, as at first proposed, the desertion of illegitimate children, leaving their protection to other provisions of the criminal law.

The committee deems it proper to state that while uniformity on the subject of desertion of wife or child in dependent and necessitous circumstances is desirable, yet the end in view may be accomplished by a complete statute or series of statutes not of a uniform character, and it is more than probable, in view of the differing laws of the various states on the subject of punishment

¹ Washington, Kansas, Rhode Island, Michigan, Wisconsin.

by hard labor and the internal management of penal institutions, that diversity will continue hereafter. If, however, the principle expressed in the proposed uniform act, of compelling the deserter to support his family by labor compulsory within the walls of a prison, if unwilling to do so outside of them, meets with approval, a very grave and growing evil will be measurably abated. The success of the model law adopted in the District of Columbia has attracted widespread attention, and its provisions have been made the basis of the uniform act approved by the Conference of Commissioners on Uniform State Laws. In all of the states the offence should be an extraditable crime.

It is recommended that the American Bar Association approve of the general principle of penal legislation relating to deserters of their families as embodied in the proposed uniform act, leaving to the legislatures of the different states to adopt these principles in such form as seems to them desirable.

FOREIGN WILLS ACT.

The act relative to foreign wills is designed to meet the evils arising from the differing laws of the states in relation to the forms required in the execution of wills. It has been passed in four states.² While a majority of the states requiring but two witnesses for valid probate may differ as to whether such witnesses shall be attesting or not, others of the states require three witnesses for the valid execution of a will. It has not infrequently happened that intestacy has resulted either in whole or in part because of these provisions where the decedent held property in different states.

The effect of the enactment of the proposed act will be to take away the distinction between the effect of wills of real estate and wills of personalty, the general rule being that wills of personalty are good everywhere if made in accordance with the law of the testator's domicile, but wills disposing of real estate must be executed according to the *lex rei sitae*.

Wherever adopted the proposed act will not affect wills made

² Kansas, North Dakota, Massachusetts, Wisconsin.

in any state by testators who are domiciled there, nor will it affect the validity of wills made anywhere in accordance with the existing provisions of the law of the testator's domicile relating to domestic wills; but the act will make valid wills either of foreign testators or of citizens of the state executed in a foreign state in accordance with the laws of that state or of the testator's domicile.

The Conference of Commissioners have under consideration a Uniform Act regarding the probate of foreign wills which may be considered in connection with the act already recommended by them in relation to the execution of foreign wills above set forth.

PROPOSED AMENDMENTS.

At the last session of the American Bar Association a resolution introduced by Mr. Farrar, of Louisiana, amending Section 17 of the act to make Uniform the Law of Transfer of Stock by adding the words "*but such liability of the corporation and of the surety on the bond given to secure the corporation shall be barred by the lapse of three years from the date of said bond*" (see proceedings 1910 p. 18), was referred to the Conference of Commissioners on Uniform State Laws for their consideration, together with a similar amendment suggested for Section 17 of the Bills of Lading Act. The sections, if amended as desired by Mr. Farrar, would read as follows:

STOCK TRANSFER ACT.

"SECTION 17. *Lost or Destroyed Certificate.*—Where a certificate has been lost or destroyed, a court of competent jurisdiction may order the issue of a new certificate therefor on service of process upon the corporation and on reasonable notice by publication, and in any other way which the court may direct, to all persons interested, and upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the corporation or any person injured by the issue of the new certificate from any liability or expense, which it or they may incur by reason of the original certificate remaining outstanding. The court may also in its discretion order the payment of the corporation's reasonable costs and counsel fees.

"The issue of a new certificate under an order of the court as provided in this section, shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without notice of the proceedings or of the issuance of the new certificate, *but such liability of the corporation and of the surety on the bond given to secure the corporation shall be barred by the lapse of three years from the date of said bond.*"

BILLS OF LADING ACT.

"SECTION 17. *Lost or Destroyed Bills.*—Where a negotiable bill has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the carrier or any person injured by such delivery from any liability or loss, incurred by reason of the original bill remaining outstanding. The court may also in its discretion order the payment of the carrier's reasonable costs and counsel fees.

"The delivery of the goods under an order of the court as provided in this section, shall not relieve the carrier from liability to a person to whom the negotiable bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods *but such liability of the corporation and of the surety on the bond given to secure the corporation shall be barred by the lapse of three years from the date of said bond.*"

The conference immediately held an adjourned meeting for the consideration of the proposed amendments and they were referred to the Committee on Commercial Law. At a meeting held in the city of Philadelphia on February 4, 1911, the Committee gave the matter careful consideration and reached the conclusion that the amendments ought not to be made. The argument was advanced that in the first place the uniform statutes do not change the existing law at all so far as limitations of actions are concerned. In so far as there is any objectionable situation created, as was stated by the draftsman of the act, it is a situation which existed in exactly the same way before the acts were passed. That is, before the acts were passed it was true that a corporation or carrier on receiving a bond would have to issue a new instrument instead of the lost one, and before the

passage of the acts, where they have been passed, the issue of a new document would not exclude liability on the old one. A bond was required at common law and is required under the act. The question involved is one of reform of existing law, or, to put it in another way, providing a uniform statute of limitations in regard to a special matter.

It would be an entirely proper subject for the Conference to consider whether it would be a good thing to have a uniform law governing the limitation of actions, personal actions or contractual actions, but in the opinion of the draftsman it should be approached rather in that way than by putting a special provision into these particular acts regarding a matter that has not been dealt with in the acts and is not supposed to be covered by them. The committee therefore passed the following resolution:

Resolved, That in view of the fact that the law in regard to lost certificates and lost bills of lading does not seem to have been changed by the uniform acts so far as the limitation of actions is concerned, and in view of the fact that it is desirable that if the subject of limitation of actions is dealt with by the Conference of Commissioners on Uniform State Laws at all, it should be dealt with as a whole, and in view of the further fact that the acts regarding certificates of stock and bills of lading have already been adopted as law for several states and are now pending for passage in other states, the committee is of opinion that it is inadvisable that the amendments to the acts as suggested by Mr. Farrar be adopted, the said amendments being of the second paragraph of Section 17 of the Transfer of Stock Act, and of the second paragraph of Section 17 of the Bill of Lading Act.

While this resolution has not yet been passed upon by the Conference of Commissioners, it is fair to assume that it will meet with their approval.

The following statistics show the progress of the movement of uniformity.

The Negotiable Instruments Act has been passed in thirty-five states, two territories, the District of Columbia and two possessions.

The Warehouse Receipts Act in twenty-one states and territories and the District of Columbia.

The Sales Act in eight states and one territory.

The Uniform Divorce Act in three states.

The Stock Transfer Act in five states.

The Bills of Lading Act in six states.

The Wills Act in four states.

The Family Desertion Act in five states.

All of the states, territories and possessions are now represented in the conference, either by virtue of legislative action or otherwise, excepting the State of Nevada.

Your committee recommends the adoption of the following resolutions:

1. *Resolved*, That the American Bar Association approves of the principles covered by the act recommended by the Conference of Commissioners on Uniform State Laws, entitled "An Act relating to Desertion and Non-Support of Wife by Husband or of Children by either Father or Mother and providing Punishment therefor and to Promote Uniformity among the States in reference thereto," it being intended hereby merely to express the approval of the Association of the general principle of penal legislation relating to deserters of their families as embodied in the proposed Uniform Act, leaving to the Legislatures of the different states to adopt these principles in such form as seems to them desirable.

2. *Resolved*, That the American Bar Association approves the draft of an act entitled "An Act Relative to Wills executed without this State and to Promote Uniformity among the States in that Respect."

3. *Resolved*, That these acts, together with the other acts heretofore approved by this Association, be recommended for adoption by the Legislatures of all the states that have not yet adopted them.

Respectfully submitted,

WALTER GEORGE SMITH, Pennsylvania, *Chairman*.

JOHN R. HARDIN, New Jersey.

JOHN C. RICHBERG, Illinois.

GEORGE W. BATES, Michigan.

EMLIN MCCLAIN, Iowa.

ROME G. BROWN, Minnesota.
SETH S. WHEELER, Ohio.
HENRY H. INGERSOLL, Tennessee.
EUGENE C. MASSIE, Virginia.
AMASA M. EATON, Rhode Island.
HOLLIS R. BAILEY, Massachusetts.
TALCOTT H. RUSSELL, Connecticut.
F. L. SIDDONS, District of Columbia.
PETER W. MELDRIM, Georgia.
LEWIN W. WICKES, Maryland.
A. T. STOVALL, Mississippi.
FREDERICK G. BROMBERG, Alabama.
H. R. TURNER, North Dakota.
SENECA N. TAYLOR, Missouri.
T. MOULTRIE MORDECAI, South Carolina.
W. A. BLOUNT, Florida.
W. W. BRANNON, West Virginia.
W. O. HART, Louisiana.
EDWARD W. FROST, Wisconsin.
P. L. WILLIAMS, Utah.
CHARLES E. SHEPARD, Washington.
HIRAM GLASS, Texas.
EDWARD KENT, Arizona.
U. S. G. CHERRY, South Dakota.

APPENDIX A.

AN ACT

RELATING TO DESERTION AND NON-SUPPORT OF WIFE BY HUSBAND, OR OF CHILDREN BY EITHER FATHER OR MOTHER, AND PROVIDING PUNISHMENT THEREFOR; AND TO PROMOTE UNIFORMITY BETWEEN THE STATES IN REFERENCE THERETO.

SECTION I.—*Be it enacted, etc.*, (1)—That any husband who shall, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances; or any parent who shall, without lawful excuse, (2) desert or wilfully neglect or refuse to provide

for the support and maintenance of his or her (3) child or children under the age of sixteen years in destitute or necessitous circumstances, shall be guilty of a crime (4) and, on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the (5), not exceeding two years, (6) or both, with or without hard labor, in the discretion of the Court. (7)

NOTE.—The annotations were prepared for the Conference of Commissioners on Uniform State Laws.

1. This Act, throughout, follows very closely the Act of Congress of March 23, 1906, for the District of Columbia, the principles of which are very fully discussed in the monograph of William H. Baldwin, Esq., of the Board of Managers of the Associated Charities of Washington, D. C., entitled "Family Desertion and Non-Support Laws." Nearly every state has some provision relating to this subject. The Acts of Assembly in many states are quite full and comprehensive. The Act adopted by Congress for the District of Columbia was the result of correspondence by the Board of Associated Charities of Washington, with Governors, Attorneys-General, District Attorneys, and prominent lawyers of many states. This Act of Congress works very satisfactorily in the District of Columbia. At the meeting of the committee in Washington in January, 1910, Mr. Baldwin was present, and greatly assisted the committee with advice and suggestions and information as to the practical workings of the Act in the District of Columbia.

Acts of Congress differ very much from Acts of Assembly of the various states, in that they are much more concise, and generally embrace, by way of proviso, matters that the legislatures of the various states are inclined to express in separate sections. Each mode of expression has its advantages. But, in view of the fact that courts of each separate state are so often called upon to determine the constitutionality of various parts of Acts of Assembly, and since one part of an Act may be sustained as constitutional, and another part rejected as unconstitutional, it seems preferable for state legislatures to divide every Act into separate and distinct sections. Therefore, the provisions of Section 1 of the District of Columbia Act have been divided into several sections.

2. It will be observed that in line 1, "wife desertion" must be "without just cause," whereas in line 5 "child desertion" must be "without lawful excuse." The reason for the distinction is

this: Wife desertion is a cause of divorce as well, and in divorce proceedings such desertion must have been "without just cause" on the part of the *deserted* wife. But in the case of child desertion there must be a "lawful excuse" on the part of the *deserting* parent. In other words, in the first instance the ground justifying the desertion must be furnished or occasioned by the deserted party. In the second instance the excuse or ground for desertion must be furnished by the deserting party.

3. The draft of this Bill as reported to the Conference at Chattanooga included illegitimate as well as legitimate children, largely upon the strong recommendation of Mr. W. H. Baldwin, of Washington, D. C. The District of Columbia Act does not include illegitimate children, but a bill was introduced at the last session of Congress to bring them within its provisions, and received the approval of the Judiciary Committee of both Houses. Nebraska and Ohio, however, seem to be the only states whose desertion laws apply to illegitimate as well as legitimate children. While there are strong moral and legal grounds for so doing, yet inasmuch as the Bastardy Laws of every state make some provision for the support of illegitimate children, it was deemed advisable by the Conference not to combine Family Desertion with the desertion of a "*nullius filius*," since the proper remedy would be by amendment of the Bastardy Laws.

4. "Family Desertion," according to the tables prepared by Mr. Baldwin, is made a felony in six states, viz., Indiana, Michigan, Nebraska New York, Ohio and Wisconsin; a misdemeanor in thirty-eight states, including the District of Columbia; while in five states there is no law on the subject—to wit, in Iowa, Nevada, Oregon, Tennessee and Texas. Some states, like Pennsylvania, treat Family Desertion in two ways, either as a quasi-criminal offense, as under the Act of April 13, 1867, P. L. 78, where the offender is haled before the Court of Quarter Sessions on information made before a Justice of the Peace or other Magistrate; and after hearing, without a jury, the Court may order him to pay a certain sum for the support and maintenance of his wife or children; or as a misdemeanor, as under the Act of March 13, 1903, P. L. 26. Under this latter Act, which is cumulative, the offender is entitled to trial by jury. The penalty is imprisonment or fine, or both; the fine, if any, to be paid or applied in whole or in part to the wife or children, as the court may direct. In Pennsylvania a civil remedy is also granted to the wife against the husband by the Act of April 27, 1909, P. L. 182. Such civil remedy obtains in many other states.

As pointed out by Mr. Baldwin in his study on "Family De-

sertion and Non-Support," it is very essential that the offense of desertion and non-support be raised to the grade of a crime, in order that it may become an extraditable offense, as many instances occur where the husband removes to another state, leaving his family helpless and destitute. But as thirty-eight states and territories have made it a misdemeanor, and since under the Act of Congress of February 12, 1793, any person charged with the commission of a felony or other crime, is subject to extradition, the Conference substituted the word "crime" for "misdemeanor." In one state at least, South Carolina, and probably others, a misdemeanor is not punishable by confinement at hard labor.

5. Here will be inserted the place of imprisonment.

6. Unless there is a constitutional provision in any state limiting the term of imprisonment for a misdemeanor to one year or less, this clause "not exceeding two years" is clearly within the power of the legislature. The committee, when at Washington, adopted by way of amendment to Section IV of the printed report, now Section IV, the words "for a period not exceeding two years," but omitted to make a similar amendment to Section I. This clause is therefore added that Sections I and IV may correspond. While "twelve months" is the maximum term of imprisonment fixed by the District of Columbia Act, it has been found in practice that it often becomes necessary to begin proceedings *de novo* at the end of the first year. It was therefore thought best to increase the time to two years.

7. As stated above in Note 4, confinement at hard labor is never imposed in some states where the offense is only a misdemeanor. In other states the penalty "at hard labor" is not imposed except where the imprisonment is in the penitentiary, or a reformatory, or house of correction. It rarely obtains where the imprisonment is in the county jail; partly for the practical reason that in them there are neither appliances, nor space nor opportunities for what is known as "convict labor." But as the penalty provided in this section reads, "with or without hard labor," the question will rest in the discretion of the court according to the penal provisions of the laws of each state. In some states "convict labor" has been either abolished or limited as the result of the influence of the labor unions.

In Maryland, at the Baltimore penitentiary, "contract labor" is permitted by law. Recent investigations show that the labor of the prisoners enures not only to the benefit of the state, but of the prisoners themselves, who by working overtime earn for themselves or for the support of their families, fully as much

as goes to the state. In the District of Columbia, which is under control of Congress, and therefore in a sense, *sui generis*, prisoners at hard labor may be compelled to work upon the streets of the city of Washington at a fixed wage per diem, and of their wages, under the Act of Congress of 1906, an amount equal to fifty cents a day is paid over to, or for the benefit of, the prisoner's family. It would be impracticable, perhaps, to insert a clause in this Bill providing for the employment of offenders under this Act upon the streets or highways of the several municipalities or counties of each state under the term "at hard labor." Nevertheless, it is evident that if such provisions could be adopted by each state, it would relieve the public at large from the expense of supporting the families of such offenders. Such a provision is well worth the consideration of every state.

SEC. II.—Proceedings under this Act may be instituted upon complaint made under oath or affirmation by the wife or child or children, or by any other person, against any person guilty of either of the above named offenses. (1)

1. The initial proceedings in all desertion cases should be instituted before the court of lowest jurisdiction. In some states this is a justice of the peace, in others a municipal court, in others a county or district court. The point to be borne in mind in this regard is that the remedy be as simple and speedy as possible.

SEC. III.—At any time before the trial, upon petition of the complainant and upon notice to the defendant, the court, or a judge thereof in vacation, may enter such temporary order as may seem just, providing for support of the deserted wife or children, or both, *pendente lite*, and may punish for violation of such order as for contempt. (1)

1. This section is in form the same as an amendment to Section IV of the printed bill offered at Detroit, by Mr. Noel, of Indiana. The purpose of the section is plain; namely to provide for support for the family pending the beginning of the proceedings and the final order of the court. Where the proceedings are begun before a court of record, the application, of course, can be made at any time. Where the proceedings are begun before a justice of the peace, or other magistrate, who must make his return to the court, it follows that the application under this section cannot be made until such return has been filed with the clerk of the court. But that is a minor matter of procedure.

SEC. IV.—Before the trial, with the consent of the defendant, or at the trial, on entry of a plea of guilty, or after conviction, instead of imposing the penalty hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances, and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by the court from time to time, as circumstances may require, directing the defendant to pay a certain sum periodically, for a term not exceeding two years, (1) to the wife or to the guardian, curator or custodian of the said minor child or children or to an organization or individual approved by the court as trustee; (2) and shall also have the power to release the defendant from custody on probation for the period so fixed, upon his or her entering into a recognizance, with or without surety, in such sum as the court or a judge thereof in vacation may order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so, and shall further comply with the terms of such order of support, or of any subsequent modification thereof, then such recognizance shall be void, otherwise of full force and effect. (3)

1. The term of one year in Section IV of the bill as printed was changed by the committee at Washington to read "not exceeding two years," for reasons stated in Note 6 to Section I.

2. Section I makes the offense of desertion a crime, and prescribes the penalty; Section III secures support for the family by an order *pendente lite*; but as the main purpose of a Desertion Act is the protection and maintenance of the family, it is apparent that additional remedies are required. This section endeavors to meet that need: a. By an order of support entered before trial with the consent of the defendant; b. By an order of support made if a plea of guilty be entered to the indictment; c. By an order of support made after conviction. All of these orders to be in lieu of, or in addition to, the penalties prescribed by Section I.

3. This clause providing for release on probation is taken from the District of Columbia Act. The Desertion Acts of many states contain a similar provision which is found in practice to be very effective. The penalty of imprisonment, especially at hard labor, soon brings the wife deserter to a willingness to give surety for the support of his family, and a means is thus secured for en-

forcing the order of support authorized by the first paragraph of this section.

SEC. V.—If the court be satisfied by information and due proof under oath, that at any time during said period of two years the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case of forfeiture of recognizance, and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid, in whole or in part, to the wife, or to the guardian, curator, custodian or trustee of the said minor child or children. (1)

1. This provision is taken from the District of Columbia Act which follows the Acts of Illinois, Louisiana and Virginia.

SEC. VI.—No other or greater evidence shall be required to prove the marriage of such husband and wife, or that the defendant is the father or mother of such child or children, than is or shall be required to prove such facts in a civil action. (1) In no prosecution under this Act shall any existing statute or rule (2) of law prohibiting the disclosure of confidential communications between husband and wife apply, (3) and both husband and wife shall be competent (4) witnesses to testify against each other (5) to any and all relevant matters, including the fact of such marriage and the parentage of such child or children; (6) Provided that neither shall be compelled to give evidence incriminating himself or herself. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances or of neglect or refusal to provide for the support and maintenance of such wife, child or children shall be *prima facie* evidence that such desertion, neglect or refusal is wilful. (7)

1. While under the Constitution of the United States, and probably of each state, no defendant can be compelled to incriminate himself, yet both in criminal and civil actions the issue of legitimacy or illegitimacy of children is a matter of frequent occurrence. This clause relating to a proceeding where a wife or husband, necessarily by the fault of the other, is forced to protect

life or reputation, as a stranger would, permits the character of the proof to be such as would be required in a civil action—i. e., preponderance of proof may control.

2. Section VI as formerly printed refers simply to "existing provisions of law." But as "existing provisions of law" might be construed as including only statutory provisions and as not being broad enough to include judicial utterances upon *The Rule of Law* relating to confidential communications, the phrase is therefore changed to read "Existing Statute or Rule of Law."

3. This clause relating to disclosure of confidential communications between husband and wife opens a field for wide discussion. Under the Common Law the fiction of unity of husband and wife, and the farther fiction forbidding parties in interest to testify either for or against each other long obtained. The latter fiction has been abolished in most states. The former fiction has been abolished in many states both in criminal and civil proceedings where—

(a) The consent of the other party is given at the trial; or (b) Where the marital relation has been so violated by the act of either as to abolish the reason for the rule. The Constitution of the United States provides that "no person can be compelled in any criminal case to be a witness against himself." The Constitutions of many states provide that no person can be compelled in any criminal case "to give evidence against himself." But these constitutional provisions do not apply to or limit the power of the State Legislature to require the disclosure of confidential communications between husband and wife. The forbidding of such disclosures was the policy of the law; but if the confidential marital relation has been violated by the act of either party, the reason of the rule ceases. In such case the communications do not arise from the confidence of the parties in each other, but from the want thereof; and therefore even without statutory authority either party may testify to the same. *Seitz vs. Seitz*, 170 Pa., page 171.

4. An exception to the rule excluding testimony of husband and wife against each other is to be found in cases of personal outrage by one on the other.

30 Amer. and Eng. Cyc., page 954.

This exception being based on public policy it follows that the injured spouse is not only competent but is compellable to testify if unwilling.

30 Amer. and Eng. Cyc., page 955, *Johnson vs. State*, 94 Ala., page 53; *Turner vs. State*, 60 Miss., page 351; S. C. 45 Amer. Rep., page 412; *Bramlette vs. State*, 21 Tex. App., page 611; see also "Cyc." pp. 961-2, (2)—(b); 46 Amer. Rep., page 241. In

REPORT
OF
COMPARATIVE LAW BUREAU OF THE AMERICAN BAR
ASSOCIATION.

To the American Bar Association:

In compliance with Section 7, Article XV, of your By-Laws as amended at the annual meeting in 1907, the Board of Managers of the Comparative Law Bureau presents the following annual report in detail as to the work and finances of the Bureau to June 1, 1911:

The Visigothic Code, translated into English by S. P. Scott, a member of the editorial staff and presented to the Bureau, has been well received.

The Swiss Civil Code (effective January 1, 1912, translated into English and annotated with references to parallel provisions in other codes by Robert P. Shick and Charles Wetherill, of the editorial staff, has been delayed by the necessity of having a complete copy sent to Prof. Huber, the draftsman of the Code, who has promised to write an introduction for the American edition. It will reach the printer this coming winter.

The work of translating *Las Siete Partidas*, by S. P. Scott, Esq., of the Editorial Staff, is progressing.

The Annual Bulletin of 1911 has just been issued and sent throughout the country and abroad to the extent of seven thousand copies.

The editorial staff has been enlarged and friendly relations with foreign kindred societies, publishers and individuals more largely promoted.

The year, as a whole, indicates a very satisfactory advance in interest in the science of comparative law in this country not only among lawyers, but also among legislators, as shown by the great increase of Legislative Reference Bureaus in the various states during the past year.

The financial statement is as follows:

ASSETS AND INCOME.

Balance on hand June 1, 1910.....	\$ 170.07	
Received dues from Members and Foreign Correspondents	522.00	
Appropriation of American Bar Association.....	1000.00	
Donations	300.00	
Received from 1910 Bulletin advertisements.....	150.00	
Received from 1910 Bulletin sales.....	53.00	
		<hr/> \$2195.07

EXPENDITURES.

Printing 1910 Annual Bulletin.....	\$1200.20	
Less freight rebate.....	20.65	1179.55
Postage for 1910 Annual Bulletin.....		692.56
Printing, drayage, expressage and sundries during 1910.....	72.76	
		<hr/> \$1944.87
Balance in hands of Treasurer June 1, 1911.....		<hr/> \$ 250.20

Respectfully submitted,

SIMEON E. BALDWIN, *Director*,
WM. W. SMITHERS, *Secretary*,
EUGENE C. MASSIE, *Treasurer*.

REPORT
OF THE
SPECIAL COMMITTEE TO SUGGEST REMEDIES AND FORMU-
LATE PROPOSED LAWS TO PREVENT DELAY AND
UNNECESSARY COST IN LITIGATION.

To the American Bar Association:

The special committee appointed at the meeting of this Association in 1907, and continued at each annual meeting since then, was charged with the duty of considering carefully alleged evils in judicial administration and remedial procedure, and suggesting remedies and formulating proposed laws.

We were authorized at the last meeting to present to Congress at its next session the bills heretofore reported by the committee and recommended by this Association, in such form as to obviate as far as possible the objections thereto that have been taken in Congress, but retaining the essential principle of the bills heretofore recommended by the Association. These bills were specifically recommended by the President in his annual message, December, 1910 (p. 44).

The Association at that meeting approved the recommendation of our committee respecting the practice in admiralty, and we were instructed to bring the subject to the attention of the Supreme Court of the United States and to request that honorable court to adopt a rule in admiralty which should direct that the testimony in admiralty cases be taken in open court, subject to the provisions of the statute in regard to depositions *de bene esse*.

We were also authorized to consider a general practice act and to report thereon at this meeting. In this connection two resolutions were referred to us for consideration. The first of these was presented by Mr. Thomas Wall Shelton, and is as follows:

Resolved, That in whatever form of pleading that may be adopted, there shall be preserved the common law limitation upon the Court, that whatever is not juridically presented, cannot be judicially determined.

The other resolution was offered by Mr. Ernest T. Florance:

Resolved, That the Committee to Suggest Remedies and Formulate Laws, etc., be instructed to consider the preparation of a bill providing for the abolition of difference of forms of procedure between actions at Law and cases in Equity, in the Federal Courts.

1. In accordance with the instructions of the Association we presented to Congress at its last session beginning in December, 1910, the bills which had been recommended and approved by this Association, which are to be found in full on pages 7 to 10 of our last report (pages 620 to 623, Vol. 35, for 1910). The bills were referred in each House to the Committee on Judiciary. We had a hearing before the full committee of the House of Representatives and before the subcommittee of the Senate consisting of Senators Nelson, Dillingham and Overman. We also had many interviews and much correspondence with individual members of both committees. The question whether the amendments to procedure proposed in the first two sections of the bill would interfere with the province of the jury, was debated very fully at the public hearing and in discussions with individual members. We endeavored to convince the committees to whom the matter was referred, that so far from impairing the value of a trial by jury the amendments proposed tended to increase its value, and to promote the determination of causes upon the merits, rather than upon technical objections which do not affect the merits, and to which juries pay no attention. We pointed out that by giving more finality to the verdict of a jury, rendered when the facts of a case are fresh in the memory of witnesses, and permitting the appellate courts to pass directly upon the questions of law involved, without the necessity of ordering a new trial, we would make it possible to terminate every cause upon its real merits, present these merits fairly to the court, and put an end to the litigation as soon as this can be done consistently with giving a full and fair hearing to both parties.¹

We could not discover that there was any serious objection in either committee to these two sections except that arising from a


¹ Church vs. Hubbard, 2 Cranch, 232.

conservatism which is reluctant to make any change whatever. Nevertheless our efforts failed to obtain a report to the House or the Senate from the full committee of either body. The subcommittee of the Senate reported the bills to the full committee of that body.

There were also objections made to the third, fourth, fifth and sixth sections of the bill to regulate judicial procedure. These relate to writs of error and appeals in criminal cases and *habeas corpus* proceedings. Some members of each committee were unwilling to put any limitation whatever upon the right of appeal in criminal cases.

Meanwhile the pending bills had attracted much attention in the House of Representatives. Many members had become interested in them. It will be remembered that there was pending in the House of Representatives a bill which had been originally prepared by the Commissioners to Revise the Statutes of the United States, and which had been referred to a committee of the House of Representatives known as the Committee on the Revision of the Laws. Of this committee, Hon. Reuben O. Moon of Pennsylvania was chairman. He was also a member of the Judiciary Committee. When this measure was first under consideration before a joint committee of both Houses in 1906, a meeting of the lawyers of New York who practise in the Federal Courts was held at which several amendments were agreed upon and suggested to the joint committee. Among the amendments which were suggested at that time there were six which substantially proposed the reforms in procedure which were afterwards recommended by this Association and embodied in the bill to regulate the judicial procedure of the United States already referred to.

These amendments in 1906 were drawn so as to correspond to the bill in the form in which it was then before the joint committee. It seemed, however, that there was no likelihood of this bill being seriously taken up by Congress, and in the original report of this committee we thought it expedient to recommend these amendments as separate measures drawn with reference to



the Revised Statutes as they then existed. But the unexpected happened. The new committee of the House of Representatives on the Revision of the Laws reported to the House, with some amendments, the bill which had been drafted by the commissioners, and succeeded in getting their report upon the calendar in such a form that it had the right of way, and did receive during several successive weeks, on the days set apart for the reports of committees, very full consideration. In view of this fact your committee conferred with several members of the Committee on Revision of the Laws, and especially its chairman, Mr. Moon. It was agreed that when Section 254 of the Judiciary Act came up for consideration, the first two sections of the Association's bills, combined into one section, should be moved as an amendment to the reported bill.

Meanwhile Mr. Madison of Kansas had become so much impressed by the arguments presented in support of the Association bill, that after conference with your committee he introduced in the House as a separate bill, a section embodying the first two sections of the Association bill in the form in which they had been agreed to before the Judiciary Committee. After considerable discussion this bill passed the House unanimously. It went to the Senate, was referred to the Judiciary Committee, but all the efforts of your committee were unavailing to procure a report upon it. The expressions of opinion from individual members of the Senate were so favorable, that we had reason to believe that if the bill could have been got out of committee it would have passed the Senate. The other method which had been planned to bring the bill before the Senate failed, because of the fact that there was so much debate in the House upon the early sections of the Judicial Code (as it is designated in Section 296), which relate to judicial districts and to the jurisdiction of the District Courts, that Section 254 was not reached for consideration. The Code, with numerous amendments which were made in the House, was finally passed under a suspension of the rules. The Senate meanwhile had passed the Code in a different form. They both went to a conference committee and the Judicial Code finally

passed in the form with which the Association has already become familiar.

We may say that as this Code was drawn by the Commissioners on the Revision of the Statutes, it effected very little change in the practice of the Federal Courts, with one single important exception. It did consolidate the courts of original jurisdiction into one court, to be known as the District Court of the United States in each judicial district, and it did abolish the Circuit Courts. This is in accord with the recommendations of our report in 1910. As drawn by the commissioners it failed entirely to provide for the numerous instances, in which it is desirable to have an order made by one judge operative in the whole circuit. For example, in railroad foreclosures it is of great importance that a receivership should extend throughout the entire circuit in which the railroad runs. This defect was however corrected in the House, the amendment was adopted in conference and is included in the bill as finally passed and signed by the President.

We append hereto (Schedule A) a copy of the bill recommended by your committee, which passed the House, and we recommend that the committee be authorized to present this bill at the next session of Congress in the form in which it passed the House as an amendment to Section 269 of the Judicial Code, and urge its adoption upon both Houses of Congress.

2. The sixth section of the bill recommended by this Association is incorporated in the Judicial Code. Section 128 of this Code gives to the Circuit Courts of Appeal jurisdiction to review by writ of error the judgments of the District Courts in all criminal cases, including capital cases, and makes their judgment final, except in cases involving constitutional questions.

We also recommend that the remaining sections of the bill to regulate the judicial procedure of the courts of the United States recommended by this Association in 1910 be embodied in a separate bill and recommended for adoption by Congress.

3. It will be of interest to the Association to put on record some results of the agitation for a change in the method of dealing with errors, alleged to have been committed by trial courts. In

courts of justice in this country, quite apart from any legislation, the change is very manifest.

For example, in *Vicksburg and Meridian R. R. Co. vs. O'Brien*, 119 U. S. 99, 103 (30 Law. Ed. 299, 300), decided Nov. 1, 1886, Mr. Justice Harlan said:

"While this court will not disturb a judgment for an error that did not operate to the substantial injury of the party against whom it was committed, it is well settled that a reversal will be directed unless it appears, beyond doubt, that the error complained of did not and could not have prejudiced the rights of the party."

Waite, C. J., and Field, Miller and Blatchford, JJ., dissented.

The dissent on the part of these four eminent judges has received the approval of the court in subsequent cases. For example, in *Standard Oil Company vs. Brown*, 218 U. S. 84, 86 (54 Law. Ed. 945, 946), decided May 31, 1910, the court said:

"The rule is familiar and elementary that the pleadings and proof must correspond, but a rigid exactitude is not required."

The Court held that errors in the charge or refusal to charge would not be considered as reversible error, when it was plain that the issues had been fairly presented to the jury.

The reason for the change is well stated by the Court of Appeals of the State of New York in *People vs. Gilbert*, 199 N. Y. 28, decided in 1910:

"The objection is purely technical, and technical objections are no longer regarded as serious unless they are so thoroughly supported by authority that they cannot well be disregarded, even under the latitude of the statute relating to the subject. The criminal law is fast outgrowing those technicalities which grew up when the punishment for crime was so severe as in many cases to shock the moral sense of lawyers, judges and the public generally. When stealing a handkerchief, worth one shilling, was punished by death, and there were nearly two hundred capital offenses, it was to the credit of humanity that technicalities should be invoked in order to prevent the cruelty of a strict and literal enforcement of the law. Those times have passed, for the criminal law is no longer harsh or inhumane, and it is fortunate for the safety of life and property that technicalities, to a great extent, have lost their hold. We overrule the contention of the

defendant in regard to the indictment, because it is founded on a technicality, with no support in authority and with but slight support in reason."

Judge Coxe, delivering the opinion of the Circuit Court of Appeals in *Press Publishing Co. vs. Monteith*, 180 Fed. 357, thus states the change that some courts have already made, in dealing with the subject of "reversible error."

"The defendant realizing, apparently that even upon its own presentation no very serious error has been committed, invokes the archaic rule that if error be discovered, no matter how trivial, prejudice must be presumed. The more rational and enlightened view is that in order to justify a reversal the Court must be able to conclude that the error is so substantial as to affect injuriously the appellant's rights.

"Prejudice must be perceived, not presumed or imagined.

"The writer, speaking only for himself, is in hearty accord with the modern tendency.

"The object of all litigation should be to arrive at a just result by the most direct, speedy and inexpensive proceedings. If such a result can be reached by absolutely inerrant methods so much the better, but while the administration of justice is in the hands of merely finite beings, such perfection can hardly be expected. I venture to think that no long continued, hotly contested trial can be conducted to a conclusion without mistakes being committed. Few minds are so constituted that they can grasp at the outset all the ramifications of a complicated controversy and, before the judge can get the perspective of the trial, some mistakes may occur, but these should be disregarded if it can be seen that the case was correctly decided and that, even if they had not been made, the same result would have been reached. Justice can be attained without infallibility.

"One of the English rules provides:

A new trial shall not be granted on the ground of the misdirection of the jury or of the improper admission or rejection of evidence, unless in the opinion of the Court to which the application is made, some substantial wrong or miscarriage of justice has been thereby occasioned on the trial.

"Were such a rule in force here, even assuming that defendant's contentions are correct, the Court would be unable to say that substantial wrong has been done the defendant. In several instances the alleged error was subsequently corrected and the excluded evidence supplied.

"The granting of a new trial is often a denial of justice, witnesses die or remove beyond the jurisdiction of the Court, and the resources of the litigants become exhausted.

"Believing as we do that the libel here was without justification or excuse and that the verdict was not excessive, we should hesitate long before requiring the plaintiff to begin anew the weary pilgrimage through the courts."

Legislation which embodied substantially the rule of decision recommended by this Association has been adopted by the legislatures of Kansas, Illinois, and Wisconsin, and has been under consideration in the legislatures of Ohio and New York. We hope that during the present year it will appear that these changes have become part of the legislation of the latter state. It has been recommended by the State Bar Association and by the Bar Association of the City of New York, which is believed to be the oldest, and is certainly one of the most conservative, Bar Associations in America.¹

4. While the Association had under consideration the bill to diminish the expenses on proceedings of appeal and writs of error, the Bar Association of the State of Washington had prepared a different bill intended and adopted to accomplish the same purpose as our own. In justice to ourselves we feel bound to say that we think that the form recommended by this committee and adopted by the Association was more in harmony with existing legislation than the bill drawn in Washington. It is, however, unnecessary to call the attention of the Association more particularly to the difference, in view of the fact that the bill as drawn by the Association in Washington received the approval of Congress and was signed by the President. It excited at first much unfavorable comment on the part of clerks of the circuit courts of appeals, and it was thought at first that the bill as drawn might make it impossible to meet those expenses of the court which were provided for by the fees of the clerk. We are informed that on more careful consideration this objection seems not to be well taken. Your committee is distinctly of

¹Reference may also be had to the following cases: *Savage vs. Modern Woodmen*, 84 Kan. 63. *Harris vs. State*, 80 Neb. 195, 114 N. W. Rep. 168. *Byers vs. Territory*, Okla., 103 Pac. 532. *State vs. Bird*, Mont., 111 Pac. 407.

opinion that this country ought not to expect that the expenses of the administration of justice should be paid out of the fees exacted from suitors. The country can well afford to maintain its courts, and provide from the public treasury for all suitable expenses of the administration of the law.

5. The third bill recommended by the Association authorized the appointment of stenographers in the courts of the United States, and fixed their duties and compensation.

There is a large and influential Stenographers' Union. This union had prepared a bill which undertook of itself to fix all compensation without leaving its determination to the judges in the different circuits. Neither of the proposed schemes received the approval of Congress.

6. The next subject which was referred to us was that of limiting the right of appeal from the courts of the District of Columbia to the Supreme Court of the United States. On this subject we have had full consultation with members of the Bar of the District of Columbia. We have come to the conclusion that the right of appeal as it now exists, as amended by Section 250 of the Judicial Code, is not productive of so much inconvenience or delay to other suitors from the States of the Union whose cases come before the Supreme Court as has been supposed, and your committee does not, at this time, recommend any change in the section of that Code relating to such appeals.

7. We have prepared the following addition to the 44th rule of the Supreme Court in admiralty, which we recommend for approval by this Association:

"That in all cases of admiralty and maritime jurisdiction either party may introduce oral testimony and have examination of witnesses in open court."

The reasons for this amendment are so fully stated in our previous report that we think it unnecessary to repeat them here. If approved, we will submit it to the Supreme Court under the authority heretofore conferred upon us.

8. The same evils that have been felt to exist in admiralty cases in some of the circuits have also been felt in equity cases, caused

by the fact that under the existing equity rules testimony in all cases is taken out of court. The complaints on this subject have been so numerous that the Supreme Court itself has appointed a committee, consisting of Chief Justice White, Mr. Justice Lurton, and Mr. Justice Van Devanter, "with directions to consider and report such changes as the committee may conclude would, if adopted, tend to the simplification of pleading and practice and the correction of any unnecessary delay or unreasonable cost resulting from practice under the rules as they now exist." Mr. William J. Hughes has been appointed secretary of this committee, and he has requested your committee to aid the court in the performance of the task which it has undertaken.

Your committee is of opinion that the same reasons which led the Association to recommend the adoption of the admiralty amendment are equally applicable to equity cases. It is a well-known fact that in England and many States of the Union testimony in equity cases, on the main issues, is taken in open court. This does not interfere with the practice of referring all matters of account to a master in chancery, but it leaves to the judge himself the determination of the fundamental questions in the case.

Among the objections that have been taken to this practice in equity cases is that the judge will say, "I do not care to hear the testimony because I must read it." It is not for this committee to declare that no judge will ever make this statement, but we can affirm as a result of our own experience that judges in the state courts do not, and federal judges, when they are hearing cases in admiralty, do not make such an unreasonable observation. We find the actual practice usually to be, that when the judge hears the testimony he does not read it *in extenso* afterwards, but refers to it as his attention is drawn by the briefs of counsel or by his own investigation. It is possible that a judge who had not been in the habit of hearing oral testimony in cases of this sort, might at first think that he would be obliged to read the testimony *in extenso*. But in point of fact one great object of the change is to relieve him from this burden, to give him the

testimony in all its freshness and enable him to ask of the witnesses such questions as may tend to elucidate the case upon the merits. Experience shows that frequently these questions by the trial judge are illuminating, and assist in a most important manner in the ascertainment of the facts.

We may be permitted to refer to the customary practice of one of the great judges of the United States Supreme Court, Mr. Justice Blatchford. He was the first district judge who was promoted to be a Justice of the Supreme Court. His custom was to hear the oral testimony in admiralty cases with the greatest attention, and practically to make up his mind on the facts after the argument of counsel, just as a jurymen is required to do when a verdict is asked of him upon the submission of the case. The questions of law arising upon these facts he took for more deliberate consideration. All lawyers who had the privilege of practising before him know how admirably this method of dealing with litigated questions conduced to the ends of justice, and how satisfactory it was to the Bar.

In New Jersey, which is one of the states where a separate court of chancery still exists, the practice of hearing the testimony *viva voce* in open court has proved satisfactory both to the Bench and to the Bar. We are distinctly of opinion that a change in this respect would be beneficial in the Federal Courts. There is a reason for its adoption there, that does not exist in those jurisdictions where there is a separate court of chancery. A federal judge sits at law, in equity, and in admiralty. He has experience in hearing oral testimony in the trial of cases at law. In those circuits where the admiralty evidence is taken *viva voce*, he also has that experience. The practice has been so successful in these branches of the federal jurisdiction that your committee think that nothing but the conservatism to which reference has been made will prevent the adoption of the reformed practice in all equity cases. It may perhaps require the appointment of additional judges. If experience should prove this to be the case, we have the satisfaction of knowing that the country is well able to defray the expense which this would entail.

Indeed the entire annual cost of the judicial administration of the United States is less than that of one of the great battle-ships which we find it so easy to construct.

The objection is also taken that it would be difficult and expensive to procure the attendance of experts before the judge. We are of opinion that experience would show in equity, as it does now in admiralty cases, that the attendance of witnesses would be arranged for mutual convenience, that some depositions would be taken out of court, but that the most important witnesses would be examined in open court and that the judge would derive from their oral examination a much clearer understanding of the real judgment of the expert. We know that expert testimony sometimes obscures when it should elucidate. The judge would shorten the examination and arrive at the truth more certainly than he now can do.

Another committee of this Association has had this subject under consideration. One of its members, Mr. Frederick P. Fish, has formulated the method, stated in Schedule B, annexed to this report. Some members of this committee approve the proposition, but we have not been able to consider it in full committee. We submit it for the consideration of the Association.

In this connection we call attention to the resolution of Mr. Florance. It was said in the debate at Chattanooga by one of the members, "Under the Constitution of the United States the equity practice exists." It seems to your committee that this is a misapprehension.

What the Constitution does say is this (Article 3, Section 2, subdivision 1):

"The judicial power shall extend to all cases of law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority."

This section of the Constitution, in our opinion, recognizes the fact that there is an intrinsic difference between the substantive rules and the remedies which prevail at law and those which prevail in equity. It has never, so far as we are aware, been proposed to abolish or destroy this fact. It certainly has not been destroyed in any of the code states. But the Constitution says

nothing about the procedure of the courts. It says nothing about preserving the jurisdiction of the court of chancery as a separate jurisdiction. In fact, the original Judiciary Act of 1790 abolished this distinction entirely. There has never been since the foundation of the government a separate federal court of chancery. Every federal judge, under the existing system, is a chancellor, and also in *propria persona* a judge at *nisi prius*, a judge of the admiralty court and of the bankruptcy court. All that is necessary for the pleader in order to express the distinction is to put at the head of his pleading the words: "at law" or "in equity" or "in admiralty."

There is no magic in these particular symbols. No one of them is a shibboleth or a fetish. The court is a unit. There can be no possible reason why the judge, who today sits in the jury term, tomorrow holds the equity term, and on the third day holds the admiralty term, should not have full power in either division to administer justice upon the merits. If the pleader by mistake has put the words "at law" in his pleading when he should have put the words "in equity" or "in admiralty," it should be the duty of the judge to make the amendment on the spot. It really seems absurd to say that such a mistake must injuriously affect the substantial rights of the adverse party. If the law is a mere game in which the man who is cleverest in the rules of the game will win, then by all means let us retain these tricks of the trade and add to them all those that once existed, but which have inconsiderately been abolished. But if it be, as we believe, the function of a court to do justice between the parties, all requirements which interfere with the administration of justice should be repealed.

The fears expressed that to break down the procedural distinctions in law and equity cases would impair the constitutional grant of judicial power in "cases of law and equity" is a revival of fears entertained in New York and other states at the time of the adoption of the codes. In *Leroy vs. Marshall* (8 How. Pr. 373) Justice Barculo said:

"I am not prepared to deny, that the authors of the Code may have supposed that law and equity could be administered in

precisely the same forms; nor that some sections of the Code were designed for that purpose. But every judge knows, and every lawyer should know, that, in practice, the thing is impossible.

"Legal and equitable proceedings are essentially different from each other, in their origin, nature and object. . . . Indeed, it would be a matter of astonishment—if we were permitted to wonder at anything in this line—that any man, of 'common understanding,' should have suffered the idea to enter his head, that legal and equitable proceedings could be moulded in the same form, and be measured by the same rules. Every person who has studied and understands the law as a science, knows, that there is *substance* in the distinctions between actions; and that those requirements which superficial observers call 'unmeaning forms and prolix statements,' were really wise and indispensable safe-guards and protections, in administering the most important as well as the most intricate of human sciences."

In *New York & New Haven R. R. Co. vs. Schuyler* (17 N. Y. 592) Judge Comstock remarked that the code "with characteristic perspicacity had in fact abrogated equity jurisdiction in many important cases." Notwithstanding these alarming judicial statements legal and equitable remedies continue to be administered under the codes; legal principles and equitable principles continue to be observed. Many think that they are more conveniently administered and observed under an approximately uniform procedure than they were in those days when a mistake in the choice of a proceeding threw the plaintiff out of court, even if it did not finally defeat his right.

It was for many years the practice in the federal courts to dismiss a suit which was held to have been brought on the wrong side of the court, and compel the plaintiff to resort to another action. But in the recent case of *Schurmeyer vs. Connecticut Mutual*, 171 Fed. 1, a more liberal practice was adopted. Plaintiff sought relief in an action at law which could only be granted in a suit in equity. This was finally decided by the Circuit Court of Appeals, and the case remanded to the Circuit Court. Judge Amidon in the Circuit Court made an order directing the plaintiff to transform his complaint at law into a bill in equity, and directed that the cause be transferred to the equity docket, there to be proceeded with the same as if it had

been originally brought as a suit in equity. The Circuit Court of Appeals approved this practice (*Ibid.*, page 7). The court followed a very able opinion by Judge Shiras in *United States Bank vs. Lyon County*, 48 Fed. 632.

Your committee has prepared a bill (Schedule C), which undertakes to provide a remedy for the evil which has been mentioned. In view of the decision just referred to, it may be that the object of the first section of this bill could be accomplished by a rule of the Supreme Court in equity, which would regulate the practice in all the circuits and conform it to that adopted in the cases just cited.

9. So far as the subject of a general practice act is concerned, your committee has been entirely unable, within the time which has elapsed since the last meeting of the Association, to formulate an act upon this subject. A sub-committee, however, is drafting a preliminary scheme to which your committee, if continued, will be glad to give further and more deliberate consideration.

10. There is one more subject within the scope of the general resolution creating this committee which we have considered, and which we bring to the attention of the Association. In the first Judiciary Act jurisdiction was given to the Supreme Court to review by writ of error, a judgment of the highest court of the state in which a party had asserted a claim under the Constitution and laws of the United States, and the decision of the state court had been adverse to this claim. In *Cohen vs. Virginia* (6 Wheaton, 414), the Supreme Court held that this grant of power was authorized by that clause of the Constitution to which reference has been had; that such a writ of error was a case arising under the Constitution and laws of the United States, and that it was competent for the Supreme Court to reverse the judgment of the state court. This jurisdiction has been exercised most beneficially and some of the most important decisions of the Supreme Court have been made under the power thus conferred.¹ It is not too much to say that without the powers which the Supreme

¹ *Dartmouth College vs. Woodward*, 4 Wheaton, 518; *Gibbons vs. Ogden*, 9 Wheaton, 1; *McCullough vs. Maryland*, 4 Wheaton, 316; *The Passenger Tax Cases*, 7 Howard, 288.

Court in these cases (in every one of which the decision of the lower court was reversed) maintained for the federal government, we should not have been a nation and would have gone to pieces. Indeed, a government without the powers thus asserted would not have been worth preserving. The historic reason for the limitation in the original Judiciary Act, to wit, that the writ of error should only be permitted where the decision in the state court had been adverse to the claimant, was this: It was thought that the main ground for giving the jurisdiction was that there might be a jealousy of the federal government on the part of the state courts. In fact this jealousy did exist in the earlier years of the country's history. Therefore where the decision of the state courts was in favor of the right asserted under the federal Constitution it was thought there would be no just ground for complaint.

In the present generation we are confronted with a new situation. There are many instances in which the language of portions of the federal Constitution has been adopted by the constitutions of the several states. In litigated cases rights have been asserted under both constitutions. The rights thus asserted are of exemption from the provisions of laws which in the judgment of the great majority of the people of the states are essential to the public welfare. Take, for example, the subject of compensation for injuries to workmen. The evils which exist under the present system of making compensation for injuries caused by negligence are so great that they have excited universal attention. One of the most serious of them has been condemned by this Association in its Code of Ethics, that is to say, the business which has grown up in large centers, commonly known as ambulance chasing. There are practitioners who keep their scouts on the lookout for accidents, seek employment at once from the injured party, engage to pay the expenses of the litigation upon contingent fees, often amounting to fifty per cent of the recovery. All this business we have condemned, and justly condemned.¹ Yet it is almost a necessary consequence of the failure of the State to make any

¹ Canons 27, 28; 33 Reports American Bar Association, 582, 583.

provision for compensation to be ascertained in a more reasonable manner, and to be determined in advance. At its last term the Court of Appeals of the State of New York held that a workmen's compensation act, which had been adopted by the legislature of that State after very careful consideration and which the court admitted to be beneficial to the public, was in violation of that clause of the Fourteenth Amendment which has been embodied in the constitution of the State of New York, which provides, "Nor shall any state deprive any person of life, liberty or property without due process of law."¹ There is a similar clause in the constitutions of most of the States. Similar acts on the subject of compensation for injuries have been passed in many of the States. One very like the New York statute has been passed in the State of Washington, and the question of its constitutionality is under advisement by the Supreme Court of that State. It seems to many counsel, learned in the law, quite probable that the decision in Washington will be the reverse of that in New York. We shall then be in the position of having the Constitution of the United States mean one thing in New York, and another in Washington.

The reason which originally prevailed for the adoption of this limitation upon the right of review has ceased. The reason having ceased, the law should cease. No such limitation is contained in Sec. 250 of the Judicial Code relating to the review of decrees of the District of Columbia Courts. We therefore recommend that this limitation be repealed, and report a bill, Schedule D, for that purpose.

We also submit a report from the sub-committee dealing with the subject of law and equity in the federal courts. This is marked Schedule E.

One member of our committee, Mr. Allen, dissents from that portion of the report relating to Schedule D. We submit a copy of his dissenting memorandum marked Schedule F.

We recommend for adoption the following resolutions:

Resolved, That the Special Committee to Suggest Remedies

¹ *Ives vs. South Buffalo R. Co.*, decided May, 1911.

and Formulate Proposed Laws be continued with the powers heretofore conferred upon it.

Resolved, That it be discharged from further consideration of the subject of District of Columbia appeals.

Resolved, That the American Bar Association approves the provisions of the bill to amend Chapter Eleven of the Judicial Code of the United States, reported by said special committee.

Resolved, That the American Bar Association approves the provisions of the bill to extend the right of review in cases arising under the Constitution of the United States, reported by said committee, being an amendment to Section 237 of the Judicial Code.

Resolved, That the American Bar Association approves the amendment to admiralty rule number 44 reported by said committee.

Resolved, That the said committee be instructed to bring the portion of the report relating to equity practice to the attention of the Justices of the Supreme Court of the United States.

Resolved, That the said committee be instructed to take such steps as it shall deem expedient to procure the introduction and passage of said bills at the next session of the Congress of the United States and to recommend the same to the attention of the committees of Congress to which the said bills may be referred.

All of which is respectfully submitted.

EVERETT P. WHEELER, *Chairman*,
 ROSCOE POUND,
 CHARLES F. AMIDON,
 JOSEPH HENRY BEALE,
 FRANK IRVINE,
 SAMUEL C. EASTMAN,
 HENRY D. ESTABROOK,
 CHARLES E. LITTLEFIELD,
 EUGENE A. BANCROFT,
 STEPHEN H. ALLEN,
 ARTHUR STEUART,
 JOHN D. LAWSON,
 SAMUEL SCOVILLE, JR.,
 WILLIAM L. JANUARY, *Secretary*.

Boston, Aug. 29, 1911.

SCHEDULE A.**H. R. 31,165**

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled:

No judgment shall be set aside, or reversed, or new trial granted, by any court of the United States in any case, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, in the opinion of the court to which application is made, after an examination of the entire cause, it shall appear that the error complained of has injuriously affected the substantial rights of the parties. The trial judge may in any case submit to the jury the issues of fact arising upon the pleadings, reserving any question of law arising in the case for subsequent argument and decision, and he and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the point reserved, if conclusive, as its judgment upon such point reserved may require.

Passed the House unanimously, Feb. 6, 1911.

SCHEDULE B.

I am satisfied that there can be no real reform in equity procedure and practice in the United States Courts until there is a judge in control of each case from the time the pleadings are completed, with a definite feeling of responsibility on the part of the judge that he is to control the procedure. Specifically, I believe that the best possible plan would be this:

As soon as the pleadings are completed, the case should be assigned to a judge who will practically control it from that moment. He should immediately bring counsel together and find out what the case is about. He should learn specifically what is the nature of the controversy and definitely what are the defenses. He should then determine which of those defenses

could properly and fairly be tried in open court. If he found, on this preliminary hearing, that there was testimony to be taken out of the circuit or that certain testimony could not be produced in open court, he should then and there appoint an examiner to take this particular testimony within a fixed time which, of course, he could extend if necessary. If any questions arose in the course of this testimony, he should not refuse to pass upon them, but should recognize an obligation to do so.

At this preliminary hearing, having arranged for taking the testimony that must be taken before an examiner, the judge should set the case down for hearing at a fixed date, at which time the rest of the testimony would be taken orally before him. At the trial there would be the depositions taken before the examiner and a stenographic report of the testimony taken from day to day in open court. In all the great centers, testimony taken one day could be in print the next morning.

If at any time during the trial there was a surprise or any ground for so doing, the court would adjourn the hearing for a time, that the parties might have the opportunity to meet the new conditions. The trial in open court would be resumed at the expiration of the period of adjournment.

The rule of *Blease vs. Garlington* should be amended so that the trial judge could deal with testimony in equity substantially as he deals with testimony at law. The rights of a party offering testimony which the trial judge rejected could be protected by a statement from counsel offering the testimony as to what it was, and what he expected to prove. The Appellate Court could then determine whether the testimony had been properly or improperly excluded, and if its view was that the testimony had been improperly excluded, the case could be sent back for the single purpose of taking this testimony.

It would be an enormous gain in patent cases if the experts should be forced to testify in the presence of the court. I have no doubt that the length of expert depositions would be reduced 75 per cent and the court would be sure to understand the experts. The court would check the expert whenever he got away

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from the points of the case and would check the cross-examination when the same was improper.

If cases were prepared in this way, a very large number of them could be decided by the trial judge before he left the bench at the close of the hearing. His opinion would be taken down stenographically and subsequently revised by him if necessary. He would be spared the necessity of reading an enormous record, with the subject-matter of which he was not familiar, for the sake of getting at the comparatively few points upon which every case ultimately is determined.

FREDERICK P. FISH.

SCHEDULE C.

AN ACT

TO AMEND CHAPTER ELEVEN OF THE JUDICIAL CODE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That Chapter Eleven of the Judicial Code entitled "Provisions common to more than one court" shall be amended by adding at the end thereof new sections to be known as Sec. 274 A and 274 B, to read as follows:

SEC. 274 A. In case any of said courts shall find that a suit at law should have been brought in equity or a suit in equity should have been brought at law, the court shall order any amendments to the pleadings which may be necessary to conform them to the proper practice. Any party to the suit shall have the right, at any stage of the cause, to amend his pleadings so as to obviate the objection that his suit was not brought on the right side of the court. The cause shall proceed and be determined upon such amended pleadings. All testimony taken before such amendment shall stand as testimony in the cause with like effect as if the pleadings had been originally in the amended form.

SEC. 274 B. In all actions at law equitable defenses may be interposed by answer, plea or replication without the necessity of

filing a bill on the equity side of the court. The defendant shall have the same rights in such case as if he had filed a bill embodying the defense or seeking the relief prayed for in such answer or plea. Equitable relief respecting the subject-matter of the suit may thus be obtained by answer or plea. In case affirmative relief is prayed in such answer or plea the plaintiff shall file a replication. Review of the judgment or decree entered in such case shall be regulated by rule of court. Whether such review be sought by writ of error or by appeal, the appellate court shall have full power to render such judgment upon the record as law and justice shall require.

SCHEDULE D.

AN ACT

TO AMEND SEC. 237 OF THE JUDICIAL CODE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That Sec. 237 of the Judicial Code be and the same is hereby amended so as to read as follows:

SEC. 237. A final judgment or decree in any suit in the highest court of a state in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States [*and the decision is against their validity*]; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties or laws of the United States [*and the decision is in favor of their validity*]; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States [*and the decision is against the title, right, privilege, or immunity especially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or au-*

thority], may be re-examined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such state court, and may, at their discretion, award execution or remand the same to the court from which it was removed by the writ.

The bracketed words in italics are to be omitted.

SCHEDULE E.

REPORT OF SUB-COMMITTEE

UPON THE RESOLUTION OF MR. FLORANCE AND THAT OF MR. SHELTON.

I.

LAW AND EQUITY IN THE FEDERAL COURTS.

The first question in any proposed reform in federal procedure with respect to the absolute separation of legal and equitable proceedings must be one of constitutionality. There are many *dicta* in the books to the effect that such a separation is required by provisions of the constitution. It may be well to set forth these *dicta*.

"It is undoubtedly true, as contended for in the argument of the complainant, in regard to equitable rights, that the power of the courts of chancery of the United States, is, under the Constitution, to be regulated by the law of the English chancery; that is to say, the *distinction between law and equity* as recognized in the jurisprudence of England is to be observed in the courts of the United States in administering the remedy for an existing right. *The rule applied to the remedy and not the right. . . . It is the form of remedy for which the Constitution provides.*"

Taney, C. J., in *Meade vs. Beale*, Taney, 339, 361 (1850).

This *dictum* of Chief Justice Taney (at circuit) has been cited as meaning that the constitution provides for a proceeding in chancery for all rights to which such proceedings were appropriate under the old English practice. But, properly apprehended, such is not its meaning. The learned Chief Justice saw, what many have pointed out since, that the distinction was one of remedy; that for certain situations our legal system provides a remedy by a command addressed to and enforced against the person, and that the constitution expressly provides that the federal courts shall administer this type of remedy in appropriate cases. It does not provide, nor does the dictum above quoted say that it provides any *procedure* by which the type of remedy in question is to be sought or in which it is to be awarded.

A number of subsequent *dicta*, however, are put more sweepingly:

"The Constitution of the United States, in creating and defining the judicial power of the general government, establishes this distinction between law and equity; and a party who claims a legal title must proceed at law."

Taney, C. J., in *Bennett vs. Butterworth*, 11 How. 669, 674 (1850).

Here, again, what is meant is that one whose claim is legal must have a legal remedy; not that this remedy must be sought in any particular *form* of proceeding. The former was all that the court had to decide.

"In the last mentioned case [*Bennett vs. Butterworth, supra*] the Chief Justice, in delivering the opinion of the Court, says: 'The Constitution of the United States has recognized the distinction between law and equity, and it *must* be observed in the federal courts.' In Louisiana, where the civil law prevails, we have necessarily to adopt the forms of action inseparable from the system. But in those states where the courts of the United States administer the common law, they *cannot* adopt these novel inventions, which propose to amalgamate law and equity by enacting a hybrid system of pleadings unsuited to the administration of either" [*Italics in the original*].

Grier, J., in *McFaul vs. Ramsey*, 20 How. 523, 525 (1857)

This protest against the attempt of the federal district court for Iowa to apply the Iowa code of civil procedure was well taken. Beyond that, the passage is only one of many oracular pronouncements to be found in the books, when the codes of procedure were new, which have been refuted by the event.

"The only way in which the defendant could have effectively raised the question of his liability as a shareholder, arising from frauds committed by the bank or its officers before its suspension whereby he was induced to become a shareholder, was by a suit in equity against the bank and the receiver. Instead of pursuing that course, he sought by interposing an equitable defense to defeat this action at law brought by the receiver under the statute. *That cannot be done because under the Constitution of the United States the distinction between law and equity is recognized*, so that in actions at law in a Circuit Court of the United States equitable defenses are not permitted."

Harlan, J., in *Lantry vs. Wallace*, 182 U. S. 536, 550 (1900).

"There is a fundamental distinction growing out of the federal constitution and legislation between legal and equitable procedure. The seventh amendment to the constitution provides that in 'suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.' And section 16 of the Judiciary Act of Sept. 24, 1789, reproduced in section 723 of the Revised Statute, enacts that 'suits in equity shall not be sustained in either of the courts of the United States in any case where a plain, adequate and complete remedy may be had at law.' These constitutional and statutory provisions control the procedure of the federal courts."

Bradford, J., in *Jones vs. Mutual Fidelity Co.*, 123 Fed. 507, 517 (1903).

Here the matter is put upon its true ground, namely, the seventh amendment and federal legislation, and it may well be that the preceding extract in reality proceeds upon the same idea.

We have, then, three matters to consider, when legal and equitable procedure in a federal court are before us: (1) the constitutional recognition of law and equity in the provision conferring jurisdiction upon the courts of the United States; (2) the seventh amendment; (3) federal legislation providing for dis-

inct procedure at law and in equity. The first of these is the basis of some or even of all but the last of the judicial pronouncements above quoted. Yet if we go back to the fountain head of these statements in the original *dictum* of Taney, C. J., we see at once that he had in mind the *remedy not the form of procedure* and hence that his remarks afford no ground for assuming that the words "at law and in equity" require a distinct procedure. Rather those words were meant to give to federal courts each of the two great classes of remedies of the Anglo-American legal system. Accordingly many *dicta* have recognized that a *substantial not a formal or procedural* distinction is the one recognized. For instance, that is evidently what Curtis, J., had in mind when he spoke of

"the *equity law* recognized by the Constitution and by Acts of Congress."

Neves *vs.* Scott, 13 How. 268, 272 (1851).

So, also, in the following:

"The Constitution of the United States and the acts of Congress recognize and establish the *distinction between law and equity*. The *remedies* in the courts of the United States are at common law or in equity, not according to the practice of state courts, but according to the principles of common law and equity as distinguished and defined in that country from which we derive our knowledge of these principles."

Davis, J., in Thompson *vs.* Railroad Companies, 6 Wall., 134, 137 (1867).

There remains one remark of an eminent judge sitting in a Circuit Court of Appeals:

"But in the courts of the United States the *distinction between actions at law and suits in equity and between legal and equitable defences* is carefully preserved because it is clearly recognized in the Constitution and laws of the United States."

Van Devanter, J., in Anglo American Land Co. *vs.* Lombard (C. C. A.), 132 Fed. 721, 731 (1904).

It is submitted that this means that the distinction between the remedies and the substance of the defences is recognized by the

Constitution and the distinction between the modes of procedure is established by the statutes.

In the requirement of the seventh amendment, that the right of trial by jury shall be preserved, we find a more serious matter. That this is the true basis of separate procedure at law and in equity has been recognized by many judges:

"The Constitution in its seventh amendment declares that 'in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.' In the federal courts this right cannot be dispensed with except by the assent of the parties entitled to it, *nor can it be impaired by any blending with a claim properly cognizable at law of a demand for equitable relief in aid of the legal action or during its pendency.* Such aid in the federal courts must be sought in separate proceedings, to the end that the right to a trial by jury in the legal action may be preserved intact."

Field, J., in *Scott vs. Neely*, 140 U. S. 106, 109 (1890).

This evidently does not mean that the learned justice thought such a blending might not be provided for, if it did not impair the right to jury trial of legal issues. No such blending was permissible under the existing practice, and the reason is pointed out, namely to preserve the right to jury trial. If, therefore, that right can be preserved, such a blending of legal and equitable issues in one cause might be established by proper authority. That this is so, the Supreme Court of the United States has made clear abundantly in passing upon legislation in territories where statutes had done this very thing:

"The question is whether this act of the territorial legislature in substance impairs the right of trial by jury. *The seventh amendment, indeed, does not attempt to regulate matters of pleading or practice, or to determine in what way issues shall be framed by which questions of fact are to be submitted to a jury. Its aim is not to preserve mere matters of form and procedure, but substance of right.* This requires that questions of fact in common law actions shall be settled by a jury, and that the court shall not assume directly or indirectly to take from the jury or to itself this prerogative. *So long as this substance of right is preserved, the procedure by which this result shall be reached is wholly within the discretion of the legislature, and*

the courts may not set aside any legislative provision in this respect because the form of action—the mere manner in which questions are submitted—is different from that which obtained at the common law.”

Brewer, J., in *Walker vs. Railroad*, 165 U. S. 593, 596 (1896).

“As in Oklahoma [then a territory] the distinction between actions at law and suits in equity is abolished—each action being called a civil action, whatever the nature of the relief asked—we perceive no reason why the case may not proceed in the trial court under the pleadings as they have been framed, with the right of the defendant to a trial by jury of all issues which, according to the recognized distinctions between actions at common law and suits in equity, are determinable in that mode.”

Harlan, J., in *Black vs. Jackson*, 177 U. S. 349, 364 (1899).

In that case the suit was in form one for a mandatory injunction. The court held that the seventh amendment did not require that the cause be brought anew as an action of ejectment, but that a jury trial of the legal issue as to possession would suffice.

This construction of the effect of the seventh amendment upon procedure at law and in equity, which must commend itself to every one's good sense, is borne out, moreover by what the court, speaking through Mathews, J., said in *ex parte Boyd*, 105 U. S. 647, 656 (1881):

“And the remaining question, therefore, becomes, not so much whether Congress may, by appropriate legislation transmute an equitable into a legal procedure, as whether it can in any wise change the rules of pleading and procedure as to courts, either of law or equity, in force in England at the time of the adoption of the constitution, or *whether by the adoption of that instrument all progress in the modes of enforcing rights, both at law and in equity, was arrested and their forms forever fixed. To state the question is to answer it.*”

It would seem, therefore, that:

(1) The constitution gives the courts both legal and equitable jurisdiction, that is the power to give both legal and equitable remedies, so that neither may be taken away by legislation.

(2) The constitution preserves a right to a jury trial of legal issues triable only in an action at law under the common law,

which cannot be taken away, though it may be waived by the party entitled.

(3) If the remedies and the right so secured are not taken away or impaired, the mere manner in which the remedy shall be sought and the issue to be tried shall be presented is subject to legislative control.

(4) Hence, if anything, legislation only requires the present complete and absolute separation of law and equity in federal procedure.

The second question may well be, how far may rules of court achieve the desired reforms and how far must they be achieved by legislation? As has been seen, the Judiciary Act of 1789, chap. 20, §16, recognized the *substantive* distinction. But §19 of the same act recognized, or at least assumed, a procedural distinction. Section 21 of that Act and §36 of the Act of May 8, 1792 (1 Stat. at Large, 276), do the same. Since that time the distinction has been assumed in all subsequent legislation. Whether it is *required* thereby is not so clear. But the federal courts have said that it is so emphatically so many times that resort to legislation may be the better course. There is good precedent, however, for allowing amendment from law to equity and *vice versa*, without express legislation, in the decision of Chief Justice Doe of New Hampshire in *Metcalf vs. Gilmore*, 59, N. H. 417, 433. In that cause, the court held that the fact that the Statute of Jeofails allowed amendments at law and that amendments were always allowed in equity, coupled with the union of legal and equitable powers in one court, was enough to justify such amendments. Doe, C. J., said:

“Against an amendment based on the existing unity of jurisdiction it might be asserted that nothing can be done in court without a precedent, and that there is no precedent for such an amendment. But the unity of jurisdiction authorizes such an amendment as could have been made if the unity had been coeval with the common law. In a writ of entry on a mortgage it is found that the mortgage should be reformed. If law and equity had not been disjoined in England (as by the true principle of the common law they could not be) another suit with new process and new notice, for the reformation of the mortgage,

would be no more necessary than a new suit to amend a town clerk's record or an officer's return, a reformation of which becomes necessary and is made during the trial. By fair implication the legislative act uniting the disjointed function prescribes whatever new proceedings are requisite for giving due effect to the union."

In some ways, the federal courts are much better situated to allow this desirable practice without legislation than was the Supreme Court of New Hampshire. In the federal courts, the practice at law by statute conforms to the state practice, which almost everywhere allows amendment from law to equity or *vice versa*. The practice in equity, by statute, is subject to regulation by rules of court. With full legal and equitable jurisdiction in all the federal courts, it would seem that, unless the long line of *dicta* above quoted afford an insuperable obstacle, the power to make equity rules might well be invoked and obviate the interference of Congress. Moreover, there is good federal precedent for such amendment without even a federal equity rule. *Schurmeyer vs. Life Ins. Co.* 171 Fed. 1.

Thirdly we must ask, what reforms in the relation of law and equity in federal procedure are desirable? It is submitted that three are desirable at once: (1) power of amendment from law to equity and *vice versa*, (2) power to allow equitable defences and equitable replications at law, (3) power to grant ancillary equitable relief in pending legal proceedings without requiring an independent suit with new process.

The first of these raises no questions other than those already discussed. Its desirability would seem beyond argument. It exists not only in the 27 code jurisdictions, but also in the more advanced common-law jurisdictions. As has been seen, in New Hampshire it exists by judicial decision as a corollary of the granting of legal and equitable jurisdiction to one set of courts. Noteworthy statutes giving the same power, where legal and equitable procedure are kept distinct, are: Massachusetts, Revised Laws, Chap. 173, §52; Illinois, Laws of 1907, page 435, §40. In this respect practice in the federal courts is far behind that in the state courts.

The second proposed reform involves three items: (a) allowing equitable defenses at law, (b) allowing equitable cross-demands in legal proceedings, where, to make one's defense he must have affirmative equitable relief, such as reformation, cancellation or specific performance, (c) allowing equitable replications at law, as, for instance where a release under seal is set up as a defense and the plaintiff desires to avoid it on the ground that it was obtained by fraud. That this is not permitted in the federal courts, see *Hill vs. Northern Pac. R. Co.* (C. C. A.) 113 Fed. 914. All of these powers are possessed by the majority of our state courts and their desirability need not be argued. The sole difficulty lies in the necessity of carefully preserving the constitutional right to jury trial of legal issues. This has not proved a serious obstacle in the twenty-seven code jurisdictions, though the legislative solutions thereof have not always been happy. Three classes of cases have arisen under codes and practice acts: (i) pure equitable defenses, used defensively only. Here many jurisdictions submit the facts to a jury, as the party who interposes the defense at law may not well complain thereof. But, if the court itself passes on the facts on which such a defense is predicated and directs what legal effect shall be given to the facts so determined, according to what a court of equity would have done in a separate suit for that purpose, no constitutional right is impaired. *Marling vs. Railroad Company*, 67 Ia. 331. (ii) Cross-demands for equitable relief of an affirmative nature, which, if granted, will cut off or dispose of plaintiff's case, but if denied will leave his case yet to be tried on its purely legal issues or some of them. Here the latter only are triable to jury as of constitutional right. Hence the court may try the claim for equitable relief, and then, if any legal issues remain to be tried, a jury trial may be had. *Fish vs. Benson*, 71 Cal. 428; *Stono vs. Weiler*, 128 N. Y. 655. (iii) In some cases a legal cross-demand has been set up in a suit in equity. Here the party who so sets it up and asks that it be adjudicated in the equity cause has been held to have waived a right to jury trial. Yet the other party may not choose to waive such right. Then the question obviously ought to depend upon whether, as may sometimes be

done, this legal issue can be used defensively in equity under the chancery practice. If so, obviously no jury trial may be had; if not, the right must be preserved. *Larkin vs. Wilson*, 28 Kan. 513; *Davison vs. Associates of the Jersey Co.* 71 N. Y. 333. Some of the codes have tried to formulate these rather obvious conclusions, to which the courts have come wherever legislation would allow them, by the use of general phrases, such as "actions for the recovery of money only," "legal issues," "equitable issues" and the like. Such formulas have made much difficulty, since questions have arisen as to how far they may have altered the pre-existing rights as to mode of trial. On the whole, no better formula is to be found than that announced by Harlan, J., in *Black vs. Johnson*, 177 U. S. 349, 364: that a party must have as of right "a trial by jury of all issues which, according to the recognized distinctions between actions at common law and suit in equity are determinable in that mode."

Still another difficulty may be suggested here, namely, the different mode of review in the federal courts of actions at law and suits in equity respectively. It may be asked what is to be done where an action at law involving equitable defences or an equitable replication must be reviewed—shall there be error as to the legal part and appeal as to the equitable part, which would produce great confusion? The question is not a new one. In many of the code states separate forms of review for law and equity were preserved till recently, and hence this very situation arose. The solution adopted was to look to the nature of the main proceeding, in the course of which equitable or legal claims had been interposed. It was stated thus by Maxwell, C. J.: "The rule seems to be that where the action is at law, to review the action itself or a final order in any special proceeding therein, the proper practice is by petition in error; but where the action is in equity, the decree itself or any special proceeding in the action . . . may be reviewed on appeal." *Morse vs. Engle*, 26 Nebr. 247. In like manner in Massachusetts, where certain equitable defences may be made at law, an action at law in which such a defence is raised is reviewed by exceptions like any other action at law. *Page vs. Higgins*, 150 Mass. 27.

There remains the matter of injunctions to preserve the *status quo* pending actions at law. It is a needless expense to require a separate suit with new process and pleadings for this purpose. But no statute is necessary here. The Supreme Court has power by equity rules to prescribe the forms of procedure for exercise of all equitable powers of the court. Surely it may provide that this power of granting an injunction auxiliary to a pending legal proceeding, may be exercised upon petition and notice in the legal controversy itself. Indeed it would seem arguable that it might by rule allow a plea or answer or replication in an action at law to serve the purpose of a bill and so, without legislation, provide for equitable defences and equitable replications.

II.

MR. SHELTON'S RESOLUTION.

If this resolution is taken literally, no one can have any objection to it. Certainly none of those who advocate reform of procedure propose or have proposed that a court in deciding a controversy should or should be permitted to consider anything not legally before it in pleadings, by way of judicial notice, in the form of a presumption or in the form of legal evidence. What they urge is that when a cause is before the court in the form of legal evidence, the court should be empowered to act upon it and its decision should not be set aside, even if not exactly presented by pleadings, unless some injury has resulted from want of notice of the case or defense to be made. In other words, they urge that pleadings should have but two functions: (1) to furnish notice of the claims, defenses or cross-demands of the parties, (2) to make a record of what has been passed upon so as to furnish a basis for subsequent pleas of *res judicata*. This matter was fully argued in our report a year ago. We need not repeat the arguments then urged. It is enough to say that if the pleadings give due notice, they subserve every useful purpose of judicial presentation of a cause.

It is suspected, however, that the purpose of the resolution is to impose upon the committee a doctrine, which has been much urged, to the effect that a court ought not to be permitted to

deal with a cause in any way unless and until a technical statement of a cause of action including all the legal elements of case is before it. It has been asserted somewhat dogmatically, (a) that this is a fundamental requirement of the judicial administration of justice, without which there can be no law, (b) that it has always obtained in all legal systems, (c) that without it constitutional government is impossible, since the courts would operate arbitrarily and despotically. As to the first, it may be enough to say that justice is very well administered today in many kinds of cases without anything of the sort—in magistrates' and justices' courts on indorsed writs or informal bills of particulars, in the trial of claims against the estates of deceased persons in many jurisdictions on informal claim bills, in the English courts and in the courts of Canada on informally indorsed writs or informal statements of claim, designed to afford notice. As to the second, it may be remarked that in all three periods of Roman procedure the plaintiff's case was stated in a manner which would be open to demurrer at common law and that in modern German procedure after citation containing a mere notice, the issues are settled by a process of tentative pleading and amendment between court and counsel in which common law demurrers would lie to nearly every pleading. As to the third, in view of the wide powers of interpretation and ascertainment of the law which our common law system confides to the courts, it seems puerile to tie the courts hand and foot with procedural details lest they act arbitrarily. But notice pleading affords no more scope for arbitrary action than a pleading which requires a case to be stated with all its legal elements in common law form. The action of the court on the case made by the proofs is always open to review, and that is the real concern of the law and of society; any deprivation of a fair chance to meet the case so made is also perfectly open to review. Variance ceases to be a matter for technical sparring for advantage and becomes one of substantial rights, namely, has the party who claims it had a fair opportunity to meet the case against him.

It has been urged that a court cannot act until a case is fully and technically made in a pleading before it. Why not? Courts

do so act in the cases above enumerated and in others set forth in the report last year with no untoward results. The truth is the requirement of a technically correct pleading to sustain a good case fully proved by legal evidence after a fair hearing is purely historical. It arises from the common law mode of review by writ of error at a time when the parchment judgment roll was the sole mode of setting forth what the tribunal had done. Unless a case was made by the pleadings to sustain the judgment rendered, the reviewing court had no means of knowing upon what the judgment proceeded. Today, with better modes of review in vogue in almost all jurisdictions and with ample facilities for review of the actual case, to continue to review the pleadings and to require new trial of a good case because of a bad pleading, supposing all requirements of notice have been duly fulfilled, is an anachronism. The committee has no desire to see anything judicially considered that is not juridically presented, but it does desire to see the modes of juridical presentation in many of our jurisdictions much simplified.

ROSCOE POUND,
For the Sub-Committee.

SCHEDULE F.

MEMORANDUM OF DISSENT OF MR. ALLEN.

I very heartily approve of all the recommendations of the report except Schedule D. The decision rendered by the Court of Appeals of New York in the case you mention, certainly presents an instance in which it would be highly desirable to have a review in the Supreme Court of the United States, and a uniform construction of the Constitution of the United States, but I hesitate at any extension of the jurisdiction of that overloaded court. I fear that the amendment proposed would add materially to the number of cases taken to that court, and that in a very large majority of them the inconvenience would outweigh the

advantage. Great delay, expense and inconvenience inevitably result from an appeal to the Supreme Court of the United States, and we ought to be exceedingly careful that we do not open the door wider than necessity requires.

STEPHEN H. ALLEN.

REPORT
OF THE
COMMITTEE ON COMPENSATION FOR INDUSTRIAL
ACCIDENTS AND THEIR PREVENTION.

To the American Bar Association:

At the Chattanooga meeting in 1910, the Executive Committee recommended the adoption of the following resolution:

"Resolved, That the President of the Association be authorized to appoint a Committee on Compensation for Industrial Accidents and their Prevention to co-operate with the National Civic Federation in this work,"

and that resolution was adopted by the Association. (Report 1910, page 95.)

The President appointed a special committee of five to co-operate with the National Civic Federation; and, on the suggestion of the President of the American Bar Association, the chairman of the Compensation Department of the National Civic Federation appointed the chairman of this committee a member of the executive committee of that department.

The chairman attended several meetings held by the National Civic Federation on this subject and participated in the discussions relative to a uniform compensation act to be recommended to the legislatures of the states.

The committee of the National Civic Federation, however, which has the matter in hand has not been able to agree upon a uniform act to be recommended for adoption by the various states although its consideration of the subject has been careful and extensive.

Recent decisions of the highest courts of several states have rendered it necessary to reconsider some of the plans proposed and practically adopted prior to the rendition of those decisions, especially that of the Court of Appeals in New York, of *Ives vs.*

The South Buffalo Railway Co., decided March 24, 1911, declaring the compensation law of that state unconstitutional.

At the last meeting of the Executive Committee of the Compensation Department of the National Civic Federation the whole matter was adjourned until next fall, it being understood that pending that time a report would be made showing the progress of the movement towards the enactment of compensation acts in the various states, and of judicial decisions in regard to those already adopted.

The chairman of this committee has carefully watched the progress of the work of the National Civic Federation, but has not called any meeting of the special committee pending the promulgation of an accepted plan by the National Civic Federation, as this committee has been appointed to co-operate with the Federation; therefore, all that the committee can report at the present time is that progress is being made by the National Civic Federation, and that when the proper time arrives for this committee to co-operate with the National Civic Federation by examining, and either approving or suggesting modifications to, the plan prepared by the Federation, it will take the matter under consideration and will report further to this Association.

Respectfully submitted,

CHARLES HENRY BUTLER, *Chairman*,
ALPHEUS H. SNOW,
HUGH V. MERCER,
ALBERT C. RITCHIE,
THOMAS WALL SHELTON.

diligent efforts to procure the adoption of the remaining bills, but without success, at the short regular session ending March 3, 1911. The bills were re-introduced at the special session of Congress, but remained pending in committee because general legislation has not been possible at the extra session. The committee believes, however, that there is a fair prospect to procure the adoption of the two remaining bills, and they recommend that the special committee be again continued with directions to take all proper measures to procure the passage of the bills, and thus to bring about a desirable change in the law concerning actions for negligence causing death and suits against the government, in conformity with the views of the Association as heretofore declared.

All of which is respectfully submitted.

GEORGE WHITELOCK, *Chairman,*

ROBERT M. HUGHES,

BENJAMIN THOMPSON,

EDWARD G. BENEDICT,

ALDIS B. BROWNE,

Special Committee.

OBITUARIES

ALABAMA

DANIEL P. BESTOR.

Daniel P. Bestor was born in Greensboro, Alabama, March 27, 1840, and died in Mobile, Alabama, June 6, 1911. His father, Rev. Daniel P. Bestor, D. D., a native of Connecticut, was a prominent Baptist minister, and served as a member of the Alabama State Legislature, being, as such, one of the authors of the present educational system of the state.


Mr. Bestor was graduated from the University of Mississippi in 1860. Immediately thereafter he removed to Mobile and commenced the study of law in the office of Robert H. Smith, but in 1861 he volunteered in the Thirty-seventh Mississippi Infantry, and in the spring of 1862 was ordered to Richmond. From that time to the close of the war he was in the signal service, and acted in the capacity of scout under Captain R. E. Wilbourn, in the command of General T. J. Jackson, until the latter was killed, after which he was in Ewell's and in Early's command until the war closed. He was at Chancellorsville at the time General Jackson was killed. At the close of the war he returned to his father's plantation in Clarke county, Mississippi, remaining there a few months. In December, 1865, he returned to Mobile and again entered the office of Robert H. Smith. He was admitted to the Bar in the spring of 1867, and at once entered upon the practice of the law in Mobile, where he remained until his death. He practiced all branches of the law except the criminal, though the greater part of his practice was of a mercantile character. He built up a large and profitable practice. In politics he was a Democrat. He was elected mayor of Mobile in 1877, and served one term. He was a consistent member of the Baptist church throughout his life,

having been for many years superintendent of the Sunday School, as well as deacon and trustee, of St. Francis Street Baptist Church of Mobile. At the time of his death he was Chairman of the Board of Deacons and Board of Trustees of the First Baptist Church of Mobile. He was also a member of the Masonic Fraternity. He was President of the Board of Trustees of the Medical College of Alabama, and by virtue of this office he was a member of the Board of Trustees of the University of Alabama. He was a delegate to the National Democratic Convention in 1884 that nominated Grover Cleveland for the Presidency, and he was also a delegate to the National Democratic Convention in 1888 that nominated the same gentleman for the same office. In 1907 the degree of LL. D. was conferred upon him by the Board of Trustees of Howard College, Birmingham, Alabama.

He was married December 23, 1873, to Miss Nellie Tarleton, of Mobile, by whom he had three children, two sons and a daughter. Mr. Bestor had been so successful that, in the latter part of his life, he did not find it necessary to continue the exertions which necessarily characterized his earlier years. He accepted only such cases as were congenial to his tastes and suitable to his desires. His open-hearted charity and his broad Christian sympathies went out for all classes, races and conditions. He was a typical southern gentleman in whom the worthy found a constant and helpful friend both in the sunshine of his nature and the generosity of his gifts.

JOSEPH NEELY MILLER.

Joseph Neely Miller was born in Wilcox County, Alabama, July 9, 1849, and was the eldest son of Rev. John Miller, D. D., and his wife Sarah (Pressly) Miller. He was descended from that sturdy Scotch-Irish stock who have done so much for the moral and material strength and glory of this country. Both his parents were natives of South Carolina, and he inherited those sterling qualities of head and heart that characterized him throughout life as a man of rigid piety, strong intellectuality and unalloyed integrity.



His early education was in the country or village schools of his native county. In 1864 he entered the University of Alabama, but his course there was soon interrupted by the vicissitudes of war. and in 1866 he matriculated at Erskine College. whence he was graduated with honor in July, 1869. For two or three years he taught school in his native state. Mr. Miller began the study of law in Selma. Alabama, in the office and under the preceptorship of Hon. E. W. Pettus, the late distinguished and venerable U. S. Senator. He was admitted to the Bar in July, 1873, and began practice in Camden. His splendid equipment, both natural and acquired, his strong personality and genial manners very soon attracted a large clientage. He was a prominent and able advocate in the criminal, common law and equity courts of his entire section. As an able lawyer and just man he commanded the highest respect of both judge and jury.

Mr. Miller was interested always in politics. In 1892 he was a Presidential elector and was a favorite political speaker in his state. In 1893 he was appointed by President Cleveland United States District Attorney for the Southern District of Alabama. He filled this office for four years with credit and honor. He was also a member of the Constitutional Convention of Alabama in 1901 and took an active part in framing the fundamental law of his state. For years he was a member of the Board of Trustees of Erskine College. He was elected delegate to the Pan-Presbyterian Alliance in 1904 that met in Liverpool, England.

In his domestic life he was tender and indulgent, generously hospitable; his home was his castle and all who entered had the benediction of a welcome, wholesome and sweet. He died June 6, 1910.

EDWARD LAFAYETTE RUSSELL.

Edward Lafayette Russell was born in Lafayette County, Alabama, on August 19, 1845. In 1852 his father moved with the family to Tupelo, Miss. Here the son attended public schools until 1861 when he joined the Confederate Army. enlisting in the First Mississippi Infantry. He took part in many conflicts in which he was conspicuous for his bravery and daring.

After the war he returned to Tupelo and engaged in business. In 1871 he was admitted to the Bar, and the following year settled in Verona, Miss., where he practiced successfully for several years. In 1876 he became general solicitor for the Mobile & Ohio Railroad, and in that capacity was engaged in much important litigation. He moved to Mobile, Alabama, where he resided until his death. He became vice-president of the Mobile & Ohio Railroad and was later promoted to its presidency.

He was a patriotic man, who gave time and thought to public affairs without seeking political office or reward. He was strictly a party man and possessed great influence in the party's councils. He was the promoter of much that was to the benefit of the city and state and was especially liberal in his personal gifts to the poor and in the support of institutions of charity.

He died in Washington, D. C., January 28, 1911.


ARKANSAS.

PATRICK CALLAN DOOLEY.

Patrick Callan Dooley was born near Gort, Ireland, December 25, 1842, and came to America when only eight years of age, going with his mother to Cheshire, Massachusetts, where he lived on a farm during his childhood. In 1860-61 he attended the Falley Seminary at Fulton, N. Y., and afterward the Wesleyan Academy at Wilbraham, Massachusetts. In 1865 he entered the University of Michigan and graduated from the law department four years later. In 1869 he located at Little Rock, Arkansas.

Though not active in politics, Mr. Dooley served his country in more than one official capacity. He was elected a state senator in 1872. In 1873 he was appointed Circuit Judge of the 12th Judicial Circuit, and served for more than two years. He was referee in bankruptcy for several years beginning with 1898. At the time of his decease, September 12, 1910, he was and had been for several years standing Master in Chancery of the United States Court for the Eastern District of Arkansas.

Judge Dooley had all the beauties of the Irish character; he



was loyal, sociable and warm hearted. No man suffered a harsh judgment from him; he was tender and kind to the frailties of man, and never quick to criticize or condemn.

In the practice of his profession Judge Dooley exhibited the same characteristics which marked him in social life, loyalty, courtesy and strength of purpose. He was at all times steady, straightforward and reliable. His profession and his community never found him wanting.

JOHN FLETCHER.

John Fletcher was born March 10, 1849, in Pulaski County, Arkansas, and spent the early days of his life on a farm. After graduating in law from Washington and Lee University in 1872, he began the practice of his profession at Little Rock, Arkansas, and in 1881 formed a partnership with W. C. Ratcliffe which continued until his death. He was among the ablest of the members of the legal profession in the state. A member of the faculty of the law department of the Arkansas State University, and chief instructor on laws governing title to real property, he was an authority in that department of the law. He was president of the local Bar Association at the time of his death, a member of the State Bar Association and of the American Bar Association. He served upon important committees of the National Association and regularly attended its sessions. From 1906 until his death he was one of the Commissioners on Uniform State Laws from Arkansas.

He died September 18, 1911, leaving a widow, Mrs. Mary Fletcher, and one son, Thomas Fletcher.

CALIFORNIA.

WILLIAM R. KELLY.

William R. Kelly was born on January 26, 1849, in Perry County, Ohio. He was educated in the public schools of Ohio and Illinois. When about nine years old his parents removed to Clinton, Illinois, and he continued his attendance at school until 1864. On March 30, 1864, at Clinton, Illinois, he enlisted

in Company "E," 20th Illinois Veteran Volunteer Infantry, being then only 15 years old. The regiment was attached to the First Brigade, Third Division, 17th Army Corps. He participated in the battles leading up to the siege and capture of Atlanta, in Sherman's march to the sea, the march through the Carolinas, and the return by way of Washington. He was discharged from the army July 16, 1865.


He read law in the office of the late Hon. Henry S. Green, and was admitted to the Bar in Illinois on January 31, 1868. In April, 1869, he opened a law office in Oregon, Missouri, remaining there until the summer of 1871, when he returned to Clinton, Illinois, and engaged successfully in the practice of his profession at that place. In 1876 he was elected State's Attorney of DeWitt County, Illinois, but resigned that position in 1879 to remove to Nebraska.

In 1880 he was appointed City Attorney of Lincoln, Nebraska, for two years. From 1880 to 1883 he was associated with C. C. Burr in the law firm of Burr & Kelly, and from 1884 to 1890 with the late N. S. Harwood and John H. Ames in the firm of Harwood, Ames & Kelly.

Mr. Kelly was the local attorney for the Union Pacific Railway Company at Lincoln, and in 1888 he was appointed general attorney for that road for the State of Nebraska. In January, 1896, he was made general solicitor for the receivers of the Union Pacific System, and on July 1, 1898, general solicitor of the reorganized Union Pacific Railroad Company.

On January 1, 1906, he severed his relations with the Union Pacific Railroad Company and removed to Los Angeles, California. On December 1, 1906, he was appointed general counsel of the San Pedro, Los Angeles & Salt Lake Railroad Company, which position he held until the date of his death, March 8, 1911.

While general solicitor of the Union Pacific System he achieved a national reputation, particularly with respect to the laws relating to interstate commerce. In the interpretation of such laws he was brilliant and masterful and his opinions were universally accorded the highest respect. Particularly inclusive and exhaustive was his grasp of the subject of railroad rates.



Among traffic officials his reputation upon this subject was as high as it was among the members of the Bar upon questions more strictly legal in character. In the railroad world he was regarded as one of the great lawyers of the country.

His was the unusual distinction of winning and retaining the friendship and respect of every one with whom he came in contact. He always held out a helping hand where help was needed, and was universally beloved.

GILBERT DWIGHT MUNSON.

Gilbert Dwight Munson, the oldest son of Colonel Horace D. Munson, was born in Godfrey, Marion County, Illinois, September 26, A. D. 1840. In 1846 he went with his parents to Zanesville, Ohio, where he resided until the spring of 1900.

He was educated in the public schools, and at the early age of seventeen years received a certificate under which he taught school. He also began to read law.

After the first battle of Bull Run he enlisted as a private soldier in the Fifteenth Ohio Volunteer Infantry and was promoted through all the grades to that of colonel.

At the close of the war he returned to Zanesville and resumed his law studies. He attended the Law School of Columbia University, New York City, and then entered the office of Marsh & Haynes in Zanesville. He was admitted to the Ohio Bar in 1867, and was also commissioned as the first register in bankruptcy in Zanesville.

He actively and successfully practiced law in the courts of Muskingum and adjoining counties, first alone, then in 1871-74 in partnership with Judge Moses M. Granger and from 1883 to 1894 with Judge John J. Adams.

In November, 1893, he was without opposition nominated and elected Common Pleas Judge for the subdivision of the Eighth Ohio Judicial District and served five years.

In 1900 he removed to Los Angeles, California, and associated himself with Henry A. Barclay under the firm name of Munson & Barclay. Here he continued the practice until his death, May 21, 1911.

CONNECTICUT.

CHARLES ELLIOTT MITCHELL.

Charles Elliott Mitchell died at his home in New Britain, Connecticut, on March 17, 1911, in his seventy-fourth year.

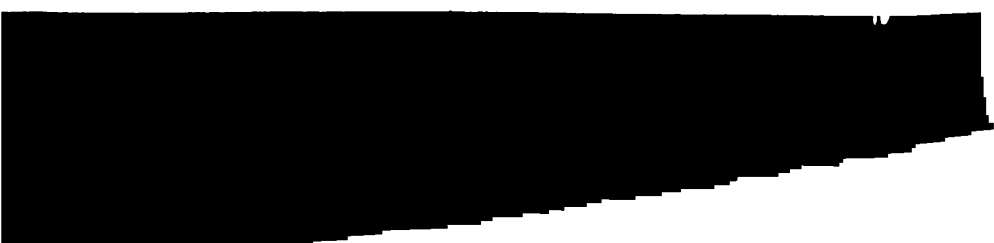
He was born at Bristol, Connecticut. He attended Williston Seminary of East Hampton, Massachusetts, received his degree from Brown University in 1861, studied law at the Albany, New York, Law School and was admitted to the Bar in 1864. He began active practice in New Britain, Connecticut, soon forming a partnership with the late Frank L. Hungerford. In 1870, under New Britain's first city charter, he was appointed city attorney; he was elected to the state legislature in 1880 and re-elected in 1881; he was chairman of the Committee on Incorporations and a member of the Judiciary Committee; with the Hon. John R. Buck, he drafted the joint stock and incorporation laws, which served the state until very recent years.

He became absorbed in the practice of the law of patents and copyrights, soon reaching the front rank of that Bar and attaining national distinction. The unanimous choice of the patent Bar of the country, he was appointed as commissioner of patents by President Harrison in 1889 and served for upwards of two years in that office, accomplishing desired and permanent reforms and making a line of decisions recognized by both Bench and Bar as of the ablest and soundest.

After resigning as commissioner of patents and having added John P. Bartlett to the old firm of Mitchell & Hungerford, he resumed practice in the city of New York under the firm name of Mitchell, Hungerford & Bartlett, later becoming Mitchell, Bartlett & Brownell.

He retired from active practice in 1902, returning to New Britain, Conn., where he lived until the time of his death.

The sterling quality and honesty in purpose, action and character, a personality that won both respect and affection, and a breadth of view and industry of application that resulted in both devotion to his profession and performance of his civic



duties, made Mr. Mitchell an unusual man in his profession and secured for him an enduring place in the love and respect of both the Bar and the laity.

DISTRICT OF COLUMBIA.

SAMUEL TUCKER FISHER.

Samuel Tucker Fisher was born in Canton, Massachusetts, February 12, 1855, and died in Washington, in July, 1911. At the age of seventeen he entered Harvard University, graduating four years later, in 1876. He then took a short course in the Massachusetts Institute of Technology. After several years of scientific work he took the examination for the United States Patent Office, and in 1886 he was appointed fourth assistant examiner. By successive promotions he became principal examiner in 1891. Meanwhile he had studied law and was admitted to the Bar in December, 1887. In 1893 President Cleveland appointed him assistant commissioner of patents. In 1897 he entered active practice of patent law, becoming a member of the firm of Wilkinson, Fisher & Witherspoon.

He was a prominent member of the Patent Law Association of Washington, D. C., and after his death a special meeting was called for the purpose of paying a tribute of respect to his memory. The resolution adopted was, in part, as follows:

"As an official of the patent office he was able, earnest, hard-working and conscientious, courteous to all having business before him, impartial in his judgments, striving always to do exact justice between inventors themselves and between inventors and the public.

"As a lawyer in active practice he displayed marked ability, was characterized by a high sense of responsibility, by integrity, industry, devotion to the interests of his clients and courtesy to opposing counsel. The example of his life and character and of his conduct as a practicing lawyer may well be followed by the members of his profession.

"In his ordinary intercourse with his fellow men he was a congenial companion and a faithful friend."

HENRY MARTYN HOYT.

Henry Martyn Hoyt was born at Wilkes-Barre, Pennsylvania, on December 5, 1856, and died at Washington, D. C., on November 20, 1911. His father was General Henry M. Hoyt, governor of Pennsylvania from 1879 to 1883. He was graduated from Yale in the class of 1878, which included President Taft. Later he studied law at the University of Pennsylvania and in the office of McVeagh & Bispham, and was admitted to the Bar in 1881. Afterwards he practiced in Pittsburgh, being associated with George Shiras, Jr., who later became a justice of the Supreme Court of the United States.

Mr. Hoyt was assistant cashier of the United States National Bank of New York from 1883 to 1886; treasurer of the Investment Company of Philadelphia from 1886 to 1890, and president of that company from 1890 to 1893. He practiced law in Philadelphia from 1893 and was appointed assistant attorney-general by President McKinley on June 15, 1897. On the resignation of John K. Richards to become United States circuit judge, Mr. Hoyt was solicitor-general of the United States from February 25, 1903, to March 31, 1909; later becoming counsellor for the Department of State, which office he held at the time of his death. President Taft, at the banquet of the Yale Alumni Association of Washington on February 4, 1911, declared that to Mr. Hoyt, more than to any other man, was due the preparation of the recent proposed reciprocity agreement with Canada; in fact it was while in Canada on this business that Mr. Hoyt was stricken with the illness which resulted in his death.

Mr. Hoyt was a man of most engaging personality; he was the very personification of courtesy and kindness, and a gentleman in the best sense of the term. His friends were legion, and his death, at the very prime of life, a shock to all. He was a man of very keen perceptions and of tireless energy. As assistant attorney-general, and again as solicitor-general, he had charge of much important litigation on behalf of the government. The words of appreciation spoken by Secretary of State Knox, at the time of Mr. Hoyt's death, deserve a permanent place in the

records of this Association. "Henry M. Hoyt was one of the best and ablest public men I ever knew. His natural abilities and accomplishments were even greater than were generally recognized. It was only to those with whom he was closely associated that the full measure of his attainments was manifested and the firmness of his character revealed. Sound judgment and felicitous expression characterized his speech and writings. Gentleness, forbearance and sympathy were his chief human qualities. I can only repeat now what I have often said of him during his life—he was the strongest, gentlest, finest character I have ever known."

FLORIDA.

ROBERT WILLOUGHBY WILLIAMS.

Robert Willoughby Williams was born in Tallahassee, Florida, February 21, 1845. His parents were Robert White Williams and Susan Simpson (Branch) Williams. His father was a large cotton planter with extensive interests in both Florida and Louisiana before the war between the states.

As a youth he attended various preparatory schools before entering the University of North Carolina. He did not graduate, but left the university to enter the Confederate Army. He remained in that service until the close of the war. For several years after the war he engaged in cotton planting in Louisiana, but returned to Tallahassee and thereafter followed uninterruptedly the practice of the law. He was eminently successful, winning high rank in the profession.

He was commissioner for Florida on Uniform State Laws, and rendered conspicuous service to his state and the Bar by his work in the interest of uniform laws. He was also a member of the National Geographic Society.

GEORGIA.

BENJAMIN FRANKLIN ABBOTT.

Benjamin Franklin Abbott was born in Cherokee County, Georgia, July 3, 1839, and died at Atlanta, Georgia, April 5,

1911. He spent his early life on a farm. He received an academic education and was admitted to the Bar just prior to the Civil War. His practice was interrupted by the war, in which he served under Captain E. M. Seago, in Company "F," 20th Georgia Regiment. After the war he returned to Atlanta and for a few years engaged in mercantile business, and later took up the practice of his chosen profession, which he continued in Atlanta until his death. During his active career as a practicing attorney he was associated with Henry Kent McCay, at one time a member of the Supreme Court of Georgia, and at the time of his death judge of the United States District Court for the Northern District of Georgia. Later Mr. Abbott practiced in co-partnership with Jas. R. Gray, at that time a member of the Atlanta Bar and now editor-in-chief of the Atlanta Journal. For many years Mr. Abbott practiced in co-partnership with Mr. Alex. W. Smith, Sr., of Atlanta, the head of the present firm of Smith, Hammond & Smith. Mr. Abbott rendered distinguished service to the city of Atlanta in connection with the preparation of the charter of 1874, under which the city is still operated. In 1884 he was elected to the General Assembly of the State of Georgia. As a member of the Finance Committee, he was largely instrumental in securing appropriation for the erection of a new capitol building in Atlanta.

In his profession Mr. Abbott at all times stood for the highest ideals both of conduct and efficiency. At the meeting of the American Bar Association in 1904 at St. Louis he read a paper before the Association on the subject "To What Extent Will a Nation Protect its Citizens in Foreign Countries."

ILLINOIS.

ELDON J. CASSODAY.

Eldon J. Cassoday was born October 26, 1868, at Janesville, Wisconsin. His mother was Mary Spalding, a niece of the late Jesse Spalding, of Chicago. His father was Chief Justice John B. Cassoday of the Supreme Court of Wisconsin. After graduating from the law school Mr. Cassoday spent one year in the

office of Olin & Butler, a law firm of Madison. In the fall of 1893 he entered the legal department of the Atchison, Topeka & Santa Fe R. R. Co. in Chicago, and at the time he left the service of the railroad company in the early part of 1899 he was its solicitor for Illinois. On leaving the railroad he became the senior member of the firm of Cassoday & Butler which relationship existed to the time of his death, June 18, 1910.

Mr. Cassoday was a lawyer both by birth and by his own making. The study of the law afforded him genuine pleasure. Mild mannered, even diffident as in a sense he was, his enthusiasm in working out a legal problem knew no bounds. During four or five years partially spent in specializing in the law of negligence, he compiled a digest of the negligence law of Illinois that is probably more full and comprehensive in its arrangement and subdivision of points and principles than any similar work in existence. Voluntarily abandoning this special line of practice, he concentrated his attention upon interstate commerce questions, and enjoyed a large and important practice before the Interstate Commerce Commission.

ELIJAH BERNIS SHERMAN.

Elijah Bernis Sherman was born on a farm near Fairfield, Vermont, June 18, 1832. He acquired a common school education and at nineteen he began teaching a district school. He fitted for college at Brandon and Manchester, and in 1856 entered Middlebury College in Vermont, from which he graduated with honors in 1860. After his graduation he taught school at South Woodstock, Vermont. He served in the Union Army for about six months, but was captured and paroled. He entered the law department of the Chicago University, from which he graduated in 1864.

Immediately after his graduation, Mr. Sherman entered upon the practice of the law in Chicago, and soon made a name for himself for ability and for honorable, straightforward conduct. He was connected with a number of important cases.

In 1876 Mr. Sherman was elected to the state legislature, and at once took a leading position in that body. He was Chairman

of the Committee on Judicial Department, and as such was largely instrumental in securing the passage of the Act Establishing Appellate Courts. In 1878 he was re-elected to the General Assembly and was made Chairman of the Committee on Corporations and a member of the Committee on Militia. In 1879 Mr. Sherman was appointed master in chancery of the United States Circuit Court, and held that office until his death. In 1884 he was appointed chief supervisor of elections for the Northern District of Illinois.

Mr. Sherman was one of the founders of the Illinois Bar Association, and in 1882 was its president. He was a member of the Grand Army of the Republic and of the Illinois Commandery of the Loyal Legion.

As a master in chancery he brought to his work a clear and penetrating judgment, a judicial temperament, a soundness of legal knowledge and a general culture that won for his decisions the respect of all who knew him. He died May 1, 1910.

INDIANA.

CHESTER BRADFORD.

Chester Bradford was born in St. Albans, Maine, May 3, 1852, and died at Indianapolis, Indiana, April 3, 1911. Left an orphan at an early age he was thrown upon his own resources and spent his boyhood largely in mechanical pursuits. He left Maine before he reached his majority and at different periods was employed in the States of New York, Minnesota and Wisconsin.

Mr. Bradford was admitted to the Bar of Marion County, Indiana, in the year 1876, and to the Bar of the United States Supreme Court in 1892. For thirty-five years he was continuously engaged in the practice of his profession, chiefly in the federal courts, throughout the country, and in the soliciting of patents and giving counsel. During that period he dealt with many important inventions and participated in many important cases.

Strictly punctilious in the observance of legal ethics, in his own practice, Mr. Bradford was ever a firm advocate of the enforcement of rules and regulations having for their purpose

the maintenance of a high standard of ethics among the members of these Associations. He was a firm believer in the beneficent influence of the patent system upon the welfare of our country, and was always ready to aid in promoting wise legislation.

Mr. Bradford was of an intense nature, strong individuality, and a just and upright man. In his friendships, as well as in his professional practice, he gave the best that was in him, and to those who won his confidence he was ever a true, zealous and considerate friend. He fought his cases with zeal, but in a spirit of fairness that won for him the confidence and esteem of both associates and opponents, and of the tribunals before which he practiced.

LOUISIANA.

CHARLES E. FENNER.

Charles E. Fenner was born in Jackson, Tennessee, February 14, 1834. He received his school education in New Orleans, later attending the Military Institute of Kentucky, the University of Virginia and the University of Louisiana. After graduating from the institution last named, he formed a law partnership with L. E. Simonds.

At the breaking out of the Civil War he enlisted as first lieutenant in the Louisiana Guards. Later he organized Fenner's Louisiana Battery at Jackson, Mississippi, and while in command of this battery performed signal service for the Confederacy in the campaigns before Vicksburg, Atlanta and Nashville. After the war, he resumed the practice of law in the firm of Breaux, Fenner & Hall at New Orleans. In 1880 he was appointed a member of the State Supreme Court, and occupied this position until 1894, when he returned to private practice in New Orleans, becoming in 1907 a member of the law firm of Howe, Fenner, Spencer & Cocke.

Two years later ill-health obliged him to discontinue practice. He died in New Orleans on October 24, 1911.

Although of a retiring nature, Judge Fenner could not resist the call of his fellow citizens to lend his talents for the public good. Some of the important positions of trust occupied by him

were the presidency of the Tulane Board of Administrators, trustee of the Peabody Educational Board, presidency of the Boston Guild and vestryman of Trinity Church. Apart from Judge Fenner's attainments as a soldier and a lawyer, he was widely renowned for his oratorical and elocutionary talents, having on many occasions delivered memorial addresses upon legal and patriotic subjects.

HARRY H. HALL.

Harry H. Hall was born in Illinois, and spent his early years on the farm of his parents, near Haglands, Ill. He received his early education under private tutors, and thereafter went to Germany to study. Later he removed with his parents to New Orleans, and studied law in the University of Louisiana, from which he graduated in 1869. He was admitted to the Bar at once, and soon rose to prominence. He became a member of the firm of Breaux, Fenner & Hall. In 1906 Mr. Hall formed a partnership with J. Blanc Monroe. Later Monte Lemann was admitted to partnership, the name of the firm being Hall, Monroe & Lemann.

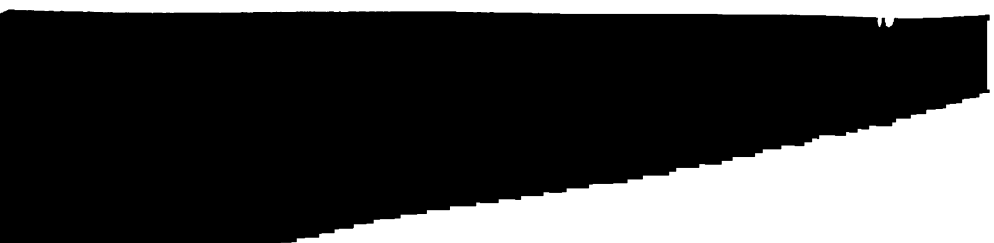
Mr. Hall was recognized as one of the most brilliant lawyers of the city, especially in the diagnosis of law. For a number of years he was dean of the law department of Tulane University.

He was married to Mary Fort Adams, of Mississippi and she and their two children survive him.

He died in New Orleans March 6, 1911.

THOMAS J. KERNAN.

Thomas Jones Kernan was born in Clinton, Louisiana, February 6, 1854, and died at Baton Rouge, January 9, 1911. After graduating at the Clinton High School in 1869, he entered Washington College at Lexington, Va., while General Lee was its president. In 1873 he received the degree of A. M. from that institution, then known as the Washington and Lee University; and remained there for one year as assistant professor. The next year he was professor at the Centenary College at Jackson,



which was founded by his grandfather, William Winans. He was admitted to the Bar in 1877, practicing first at Clinton, then at Birmingham, Alabama, again at Clinton, and finally at Baton Rouge in 1886. He soon took high rank among the lawyers of the state.

He engaged actively in politics. He was a Presidential elector in 1892 and in 1896; and in that year was also a delegate to the National Democratic Convention. He was one of the leading spirits of the Louisiana Constitutional Convention of 1898; a member of the Suffrage and Judiciary Committees, two of the most important of that body. He served in the Louisiana State Legislature in 1904 and 1906, and became the floor leader of the House of Representatives. It was through his efforts that the Negotiable Instruments Law was passed in 1904, having failed during the two previous sessions. In 1908, though not a member of the legislature, his active work before the committee secured the adoption of the Uniform Warehouse Receipts Act.

For many years he was a member of the American Bar Association. At the meeting of 1903, at Virginia Hot Springs, he was a speaker at the banquet, and in 1906, at St. Paul, he read a paper on the "Unwritten Law," which attracted universal attention owing to the force, brilliancy and originality of the ideas therein contained.

He was appointed a member of the first Board of Commissioners on Uniform State Laws from Louisiana by Governor Heard, and attended the conferences of 1903, 1904, 1906, 1908 and 1909.

Though in general civil and criminal practice, Mr. Kernan made a specialty of corporation and real estate law and was considered an authority on these subjects.

Mr. Kernan's career was especially noteworthy from the fact that, gifted though he was with the faculty of making friends, and loved and admired as he was throughout the state, he never cared to hold any position which was to be gained through politics. He was more than six feet in height, a giant in stature as in mind. A nature frank and genial, a manner unafraid and courteous to all. He was a scholar of deep learning; foremost

in his profession, and a student of politics whose judgment was unerring in that which seemed to him to be right. He leaves a name which will be history in Louisiana—he made friends and kept them—and died leaving his place unfilled.

MAINE.


SETH LEONARD LARRABEE.

Seth Leonard Larrabee, one of the ablest and most widely known attorneys of Maine, died at Portland, Maine, December 8, 1910. Born in Scarborough, Maine, January 22, 1855, he was the son of Jordan L. and Caroline F. (Beals) Larrabee. His boyhood days having been spent on a farm, he acquired his early education in the district schools of his native town. He fitted for college at Westbrook (Maine) Seminary. In 1871 he entered Bowdoin College, from which he was graduated, with honors, in 1875. He was for a year professor of languages in Goddard Seminary at Barre, Vermont, and then began the study of law with the Portland firm of Strout & Gage. He was admitted to the Cumberland Bar in 1878 and at once established himself in Portland. He was elected register of the Probate and Insolvency Courts for Cumberland County, serving in that office for nine consecutive years. He was chosen city solicitor of Portland in 1891, which position he held four years.

Mr. Larrabee was a lawyer of the modern school, a trained, sagacious business man rather than an advocate. He was counselor with and advisor of men engaged in great enterprises, the promoter of many successful industries himself, and was regarded as an expert in the conduct of such business.

He was not, however, so absorbed in his exacting office practice as to be a stranger to courts, but took a conspicuous place as a trial lawyer, and well sustained himself in many hard fought contests.

It was due to the multiplicity of his business cares and to the trusts which were placed upon him that Mr. Larrabee was prevented from following his natural inclination to public life. An ardent Republican, he was at one time actively interested



in politics, serving in the Maine Legislature for two successive terms, once in 1895 and again in 1897. In the latter year he was the speaker of the House. There he won a reputation as a presiding and executive officer that made men from all parts of the state urge him to continue in public life, but he felt that the obligations he had taken upon himself in the business enterprises with which he was connected forbade him in justice to his associates to pursue a political career.

Mr. Larrabee was never behindhand in promoting the industrial and other interests of his city and gave freely of his time thereto. Running parallel with his business activities and public career was a more retired service through which he unostentatiously extended aid to many who were wont to depend upon him for advice or financial assistance.

LEVI TURNER.

Levi Turner, son of Levi and Naomi Turner, was born at Somerville, Maine, February 16, 1859.

His early life was that of a farmer's son. His only inheritance was health and an early home training in the principles of morality and religion which, with a praiseworthy ambition to make the most of opportunities, appeared to be the controlling motives of his life. He was of studious disposition and, although without means, with characteristic determination, earned money by teaching to pay his way through the preparatory course and Bowdoin College, where he was graduated with honors in 1886.

His legal education was, in part, at Boston University Law School and, in part, in the offices of A. P. Gould and Charles E. Littlefield. He was admitted to the Bar in 1891. While yet a student, in 1889, he was a member of the Maine House of Representatives. He was superintendent of schools at Rockland, Maine, from 1889 to 1891.

In 1891 he went to Portland, where he became associated in practice with Charles F. Libby, later a President of the American Bar Association.

He was appointed recorder of the Portland Municipal Court in 1895, which position he held until 1899. In 1904 and 1905 he was a member of the Common Council, the latter year being its president.

Judge Turner was appointed to the Bench of the Superior Court of Cumberland County, at Portland, on September 14, 1906, and continued in that position until his death, February 19, 1911. About three years before his death he was chosen a member of the Board of Overseers of Bowdoin College. He served as one of the commissioners from Maine on Uniform State Laws in the convention at Chattanooga, Tenn., in 1910.

Levi Turner's life, however far it may have fallen short in his own estimation, was, in the estimation of his friends and associates, very nearly the realization of his manifest ideal of highly trained, well balanced usefulness. As a citizen, his public service was practical and unselfish. As a lawyer, he conscientiously followed the highest moral and ethical standards of the profession.

There can be no better summing up of Judge Turner than in an abstract from the address of Hon. Charles A. Strout, delivered at the memorial exercises before the Supreme Court of Maine.

"Judge Turner was always a gentleman on the Bench. His self-control and urbanity of manner never forsook him, however trying the situation might be. He was always the judge presiding with power and dignity, and yet ever kindly and considerate to the members of the Bar. He well knew how to treat with courtesy attorneys practicing before him, and yet maintain the dignity of the court. His charges to the jury were clear, forceful and impartial—full presentations of the facts—and his rulings on the law were sound and stood the test of the critical examination of the Law Court."

To quote from another address delivered on the same occasion: "We shall long cherish his memory and may well emulate his example."

MARYLAND.

SAMUEL D. SCHMUCKER.

Samuel D. Schmucker was born in Gettysburg, Pa., February 26, 1844, the son of Rev. Dr. S. S. Schmucker, President for forty years of the Theological Seminary of the General Synod of the Lutheran Church.

He was graduated from Pennsylvania College in 1863, and thereafter served as a sergeant in the Twenty-sixth Pennsylvania Regiment, U. S. A. He was graduated from the Law School of the University of New York in 1865, and the following year he moved to Baltimore, where he soon obtained recognition. In 1876 he became associated with George Whitelock, forming the law firm of Schmucker & Whitelock, which was dissolved in 1898 when Governor Lowndes appointed him to a vacancy in the Court of Appeals of Maryland. In 1899 he was elected to the Court of Appeals for the full term of fifteen years.

Judge Schmucker was for several years President of the Bar Association of Baltimore City. Both before and after his elevation to the Bench, he occupied many public positions of trust and confidence. Among these he served as a member of the commission that prepared the present Baltimore City Charter, and as a member of the commission which supervised the erection of the new Baltimore Court House.

Judge Schmucker died in Baltimore on March 3, 1911. The following is an extract from memorial proceedings held in the Court of Appeals of Maryland on April 5, 1911:

"Samuel D. Schmucker came of a long line of students. His mind was scholarly, reflective and analytical; his nature essentially conservative. As a practitioner he spared himself no pains of research or preparation; his work had always completeness and he was content with nothing short of perfect accuracy. He was an accomplished equity pleader, but in every forum acquitted himself with credit and success. Possessing a thoroughly scientific knowledge of the law, his briefs and arguments were admirable for their examples of precision and order. He was a profound and lucid thinker, and his conclusions, whether

of law or fact, were always the result of close and exact reasoning.

Mr. Schmucker was temperamentally judicial. He might be characterized as a judge by nature; if destiny was ever logical it was in according him a place on the Bench. Here his highest usefulness was attained, and his faculties found their best, because their most natural, expression. Judge Schmucker's published opinions are exceptionally admirable in diction. Possessing a literary style, not ornate, but restrained and judicial, the construction is never elliptical or obscure, and the opinions themselves, inclusive of those delivered but one month before his death, are models of form and order."

GEORGE MATTHEWS SHARP.

George Matthews Sharp was born in Baltimore, November 17, 1851. His father was the late Dr. Alpheus P. Sharp. He received a primary education in private schools, and completed his preparatory course in Loyala College. He entered Yale Law School and was graduated therefrom in 1875. The same year he was admitted to the Maryland Bar, and soon established himself in practice in Baltimore. For some thirteen years he lectured at the Yale Law School, and the many students who sat under him bear witness to the clearness of his statements and the profundity of his knowledge. In 1891 he was the Republican candidate for attorney-general of the State of Maryland, but shared in the defeat of his party. In 1897 he received the Republican nomination for the Supreme Bench of Baltimore City and was elected by a handsome majority for the full term of fifteen years. His death occurred on July 8, 1911, after he had served nearly fourteen years on the Bench. Both as an advocate and judge his character was so high, his motives so pure and his love of justice so distinct, that he had at all times the confidence and esteem of his fellow citizens.

Judge Sharp was widely known for his deep interest and unceasing efforts in the cause of legal education. He took a prominent part in the organization and development of the

Section of Legal Education of the American Bar Association. In 1910 he was elected Chairman of the Section for the ensuing year, but death cut short his work in that office. At the meeting of the Section, in Boston, in August, 1911, a memorial address upon Judge Sharp was read by Mr. C. LaRue Munson, from which the following is quoted :

"He was always the ideal gentleman, and of him as a student, as a lawyer and as a judge it can well be said that he was *sans peur et sans reproche*. Such men as he are always the leaders in the high ethical qualities which make the great lawyer and the irreproachable jurist. It was this well developed sense of ethics, coupled with his belief in the necessity for high standards for admission to our profession, which led him to take so active a part in the formation of this section and its subsequent development and success. . . .


"Judge Sharp was the incarnation of physical and mental vigor. Exhaustively mastering every detail of his cases, he won victories where a less diligent advocate would not have succeeded. As a counselor he was gifted with the art of leading his clients to a course of action assuring success or avoiding danger. Being a man of high ideas, he naturally sought to do all in his power to elevate the standards of the profession. He believed a lawyer should be first a gentleman; that he should have at least fair literary attainments, combining therewith some business education and a mastery of the principles of the law with sufficient practical ability to apply them to the facts arising in his causes. . . .

"He lived to see fulfilled many of the reforms for which he had so diligently and energetically labored, including the adoption very generally of State Boards of Law Examiners in place of the much-abused custom of local admissions theretofore prevailing."

MASSACHUSETTS.

JOHN DUNCAN BRYANT.

John Duncan Bryant, for nearly fifty-five years a member of the Suffolk Bar of Massachusetts, was born at Meriden, New Hampshire, October 21, 1829, and died there July 27, 1911.



He inherited from his Puritan and Revolutionary ancestors a vigorous constitution, a hopeful temperament, and a strong individuality. He inherited, too, earnest convictions, high ideals, and a profound love of service. Simple in his tastes and habits, with great capacity for work, and with an all-embracing interest in the affairs of life, he labored forcefully, strenuously and joyously, through his four-score years, to uplift mankind, and to achieve what he could without noise, without ostentation, and without self-exploitation.

He was graduated from Harvard College in 1853. Later he attended the Harvard Law School and was admitted to the Suffolk Bar in 1857. He at once entered into a varied and active practice, which continued uninterrupted till his lamented death.

He was a well-equipped lawyer, particularly in admiralty, fire and marine insurance, matters relating to wills and administration and commercial law. His wisdom, his strong common sense, his courtesy and fairness made him an engaging presence whether before the courts or in the privacy of office practice.

In early life, Latin and mathematics had engaged his especial attention as student and teacher, and later he loved science well enough to inquire into its scope and meaning, and so he was, what is so rare, an all-round and sympathetic man, to whom every door is open, whether of literature, science, modern research and investigation, or that leading to the broad and undefined vistas of the law.

He was a religious man with strong convictions, and he was not free from a militant spirit. He lived up to his professions to an unusual degree.

He was public spirited, and a munificent benefactor in many directions. He never held public office, but was content as a citizen to do what he could for the welfare of his kind. His life and work could have stood even the limelight of publicity, for in his simple, earnest, God-fearing way he sought to reach the full stature of manhood through following, day by day, the paths towards the highest ideals.

He was a scholarly author of wide research, an able judge of the closest application. He had a brilliant mind, which intuitively turned toward investigation. His method of reasoning was scientific, and his opinions were the result of unflagging industry, whose goal was the complete mastery of every subject.


MISSOURI.

WILBUR FISK BOYLE.

Wilbur Fisk Boyle was born in Brooke County, Virginia (now West Virginia), August 20, 1840. His father, Rev. Joseph Boyle, D. D., was a Methodist minister of high standing, and his mother, Emiline Gist Boyle, was a woman of great culture and refinement.

He received the rudiments of education in the public schools of Missouri and pursued his studies afterwards at the Masonic College, Central College and at Asbury University, Indiana, in 1858. He then went to St. Louis, where he read law with Edward Bates, attorney-general in President Lincoln's Cabinet. Judge Boyle was admitted to the Bar in St. Louis on January 1, 1868. At first he met with the usual discouragements of the young practitioner, but soon fortune favored him. Incessant study and careful and diligent attention to such business as came to him prepared him thoroughly for that larger business which later came in abundant measure. In 1876 he was elected judge of the Circuit Court of the then county of St. Louis. He served with great acceptability in that office for the full term of six years, declined re-election and re-entered the practice of the law. From that time until his death, March 28, 1911, he was a conspicuous figure in the profession.

In 1904 he took a deep interest in the Louisiana Purchase Exposition held that year in St. Louis. He was a valuable member of its executive committee and performed arduous duties with great ability. He distinguished himself as chairman of the committee on awards. This delicate task was so impartially and satisfactorily performed by him that foreign countries in recognition of his ability and discriminating work conferred distinguished honors upon him.



Judge Boyle was a man of distinguished mien, charming manners and courteous approach. In his practice he rarely ever appeared in court to conduct a trial, but was most valuable as a counselor in the office. In this capacity he achieved a most noteworthy and enviable reputation as a wise and safe adviser in important transactions.

ALBERT CIVINGTON FOWLER.

Albert Civington Fowler was born in Washington, D. C., in 1857, and was graduated as a civil engineer from the Rose Polytechnical Institute of Troy, New York. He was appointed assistant examiner in the United States Patent Office, and while in Washington studied law at the Columbian University, where he was graduated. In 1886 he resigned and entered the practice of patent law at St. Louis. Shortly afterward he organized the firm of Fowler & Bryson, which continued until a few years ago, when, upon the retirement of Mr. Bryson, the firm became Fowler & Huffman.

In addition to a wide range of work Mr. Fowler made a distinctive place for himself in electrical matters and, at the time of his death, was involved in numerous suits where his special knowledge was of great value.

Mr. Fowler always bore the highest professional reputation because of his open, fair-minded, courteous and honorable methods.

He died on March 27, 1911.

JOSEPH VAN CLIEF KARNES.

Joseph Van Clief Karnes, who died July 22, 1911, was for forty-six years a citizen of Kansas City.

He had received a thorough education in the University of Missouri, had been a tutor there, had read law and been admitted to the Bar when he went to Kansas City in 1865 to begin to practice his profession. Within a few years he came to be, and continued to be, one of the foremost lawyers of the Missouri Bar. He worked without ceasing, mastering law and facts in

all matters submitted to him. Before court and jury alike he was forceful and convincing. He handled many cases and numbers of them were cases involving great interests. He had always the respect of the courts, the esteem of his fellow members at the Bar and the confidence of his clients.

He was a man of splendid energy, but of a tender heart; a kind husband, a loving father, a faithful friend. He gave to those in need, and had a word of encouragement for all who came to him.

He served for twenty years on the Public School Board of Kansas City, and was for six years its vice-president. His work in connection with the organization and building of the public library will be especially remembered as a part of his public service. He was a curator of the University of Missouri and the president for a time of the board of the university. He was a member of the Board of Park Commissioners of Kansas City, of its Tenement Commission, and of three of the four boards, selected to frame a charter for the government of the city; was president of two of these boards.

There was scarcely any period from 1869 until his death when he was not filling some place of public service. In all these positions he asked and received no compensation. These were his contributions to his city and its welfare. He loved it and gave himself to it. He gave always more than he received, and his appreciation of the sincere efforts of others for the public good was greater than any appreciation the public can have of his noble life.

This is in brief an outline of one who was a great lawyer, a splendid citizen, a noble man.

JACOB KLEIN.

Jacob Klein was born September 1, 1845, in Hechtsheim, Prussia. His early education gained in the public schools of St. Louis and his later training were directed towards preparation for the study of the law. He began his legal studies with Seymour Voullaire, Esq., with whom he remained about a year, completing his reading in the office of Knox & Smith.

He was admitted to the Missouri Bar in 1869 and practiced in St. Louis. In 1870 he entered Harvard Law School and graduated in 1871. He returned to St. Louis and practiced without associates for nine years. In 1881 he formed a partnership with W. E. Fisse under the name of Klein & Fisse. The firm enjoyed a large practice until January 1, 1889, when Mr. Klein became judge of one of the five divisions of the Circuit Court of the City of St. Louis. He held that office until January 1, 1901, having been elected for two consecutive terms of six years each. As a lawyer he was noted for clearness and accuracy of thought and statement, and these qualities combined with thorough and conscientious application caused him to be regarded as one of the ablest judges of the court.

Upon retirement from the Bench Judge Klein formed a partnership with Warwick M. Hough under the firm name of Klein & Hough. The partnership lasted until the fall of 1909, when Judge Klein withdrew from the firm on account of ill health and to give all of his time to the Mercantile Trust Company of St. Louis of which he became counsel when he resumed practice.

He was interested in literature and one of his chief pleasures was the collection of rare and beautiful books. His miscellaneous library was considered one of the finest in St. Louis. He was a delegate to the Universal Congress of Lawyers and Jurists, held at St. Louis in 1904, and a member of the faculty of the Law Department of the Washington University of St. Louis.

Judge Klein died on August 23, 1910.

MONTANA.

WILLIAM WIRT DIXON.

William Wirt Dixon died at Los Angeles, California, November 13, 1910, in the 73d year of his age. He was born in Brooklyn, New York, June 3, 1838. While a boy his family moved to Iowa where Mr. Dixon was admitted to the Bar in 1858. He practiced his profession there a short time, and also in Tennessee and Arkansas, and in 1862 crossed the plains to



California, but soon returned as far east as Nevada, where he remained four years, and then went to Helena, Montana. Later he removed to Deer Lodge and practiced until 1877. He next located in the Black Hills, remained there two years, and finally in 1881 removed to Butte, Montana, which was the scene of his greatest activities until 1907, when failing health compelled him to seek a warmer climate.

Mr. Dixon was a member of both Constitutional Conventions of the State of Montana, as a representative from Deer Lodge and Silver Bow Counties, and was Chairman of the Judiciary Committee of the Constitutional Convention which framed the present constitution of the state. In 1890, he was elected representative in Congress from Montana and there performed valuable services for his constituents, notably in securing the enactment of the so-called Mineral Land Classification Bill.

He was prominent in political life and was one of the leaders in the Democratic party. He was one of the incorporators of the present Anaconda Copper Mining Company, and its corporate predecessors, and also, until his retirement from the active practice of law, chief counsel for that company.

For several years prior to 1890 Mr. Dixon was President of the State Bar Association of Montana. During his lifetime the Bar of Montana had no more able or worthy representative than Judge Dixon. His private and public character was flawless in its purity, and a marked trait of his character was his inflexible honesty. In his counsel, in his measures, in his life, everywhere its principles governed him. In demeanor he was courteous and kindly, not only to the court, but to his brethren at the Bar, and he invariably maintained this bearing even in the fiercest professional struggle. He justly deserved and held, throughout a professional and political career of half a century, the respect and veneration of his brethren and of all who knew him.

HIRAM KNOWLES.

Hiram Knowles was born at Hampden, Maine, January 18, 1831, and received his early education in the public schools. In

1850 he went with his father on the long and perilous journey across the plains to California, where the gold excitement was then raging. There he passed a short time at Cold Springs. He removed to Iowa and attended Denmark Academy for several years, after which he became a student at Antioch (Ohio) College. He then matriculated in the Law Department of Harvard University, from which he graduated in 1860.

In 1862 he went to Nevada, where he practiced his profession for three years, and also served as district attorney and probate judge of Humboldt County. He moved to Idaho but, after spending a year in that state, he took up his residence in Deer Lodge, Montana.

In 1868 he was appointed Associate Justice of the Supreme Court of Montana Territory, serving for eleven years. In 1884 he was the Republican candidate for delegate to Congress, but was defeated. After his retirement from the Supreme Court Bench he practiced his profession in Butte for a decade.

In 1889 Judge Knowles was a delegate to the Constitutional Convention and he was also a member of the first Republican Convention. In religion he was a Unitarian. Judge Knowles was prominently identified with the Masonic Order and served as grand master of Montana in 1879. He was also a member of the United Workmen.

In 1890 he was appointed to the Bench of the United States District Court and moved his residence to Missoula.

Many of the great cases of Montana were tried before him during his long term on the Bench, among them many noted mining suits.

Besides the reputation he acquired as a lawyer and a jurist, Judge Knowles was known and honored for his unflinching integrity. He was a man greatly beloved by men and in dying was mourned by the people of the state he had served long and well. A strong and upright man he has left an unblemished record of struggle and achievement. He died April 6, 1911.

NEBRASKA.

CHARLES FREDERICK MANDERSON.

Charles Frederick Manderson was born of Scotch-Irish and German ancestry in Philadelphia, Pa., on February 9, 1837, and was educated in its schools. At the age of nineteen he went to Canton, Ohio, where he studied law and in 1859 was admitted to the Bar. Early in 1860 he was elected city solicitor of Canton and was re-elected the next year.

On the outbreak of the Civil War he enlisted as a private in the Canton Zouaves, an independent company of which he had been a minor officer. Soon thereafter, with the sheriff of Stark County, he raised a full company of infantry in one day and was commissioned first lieutenant. In May, 1861, he was made captain of Company "A" of the 19th Ohio Infantry; and during the war through his gallantry and efficiency became successively major, lieutenant-colonel and colonel of the regiment. In April, 1865, at Lovejoy's Station he was severely wounded, and in consequence he resigned from the service. Previous to his resignation • he was breveted Brigadier-General of Volunteers, U. S. A., to date from March 13, 1865, "for long, faithful, gallant and meritorious service."

At Canton he resumed the practice of law and was twice elected prosecuting attorney of Stark County, declining a nomination for a third term. In 1867 he came within one vote of receiving the Republican nomination for Congress.

In November, 1869, he removed to Omaha, Nebraska, where he soon became prominent in legal and political affairs. He was a member of the Nebraska State Constitutional Convention of 1871 and also that of 1874, being elected without opposition by nomination of both political parties. He served as city attorney of Omaha for more than six years, obtaining signal success in the trial of important municipal cases and achieving high rank as a lawyer.

He was elected United States Senator in 1883, and was re-elected in 1888 without opposition and with unprecedented marks of approval. His second term expired March 3, 1895; and not

wishing to be a candidate for a third term, he publicly announced his intention to retire from public life. In the Senate he was Chairman of the Joint Committee on Printing and an active member of the Committees on Claims, Private Land Claims, Territories, Indian Affairs, Military Affairs, and Rules. Many valuable reports were made by him from these committees, and he was a shaping and directing force in the way of legislation of value relating to claims, the establishment of the Private Land Claims Courts, the government of the Territories, the admission of new states, pensions to soldiers, aid to soldiers' homes, laws for the better organization and improvement of the discipline of the army and for the improvement of and better methods for the printing of the government.

In the second session of the 51st Congress he was elected by the Senate as its President *pro tempore* without opposition, the office having been declared by the Senate after full debate to be a continuing one. This unanimous election by the Senate was without a precedent and was the highest compliment that could be paid by that august body to one of its members. He served as President of the Senate for three years and until a change in its political complexion. On retiring he was tendered and accepted the position of general solicitor of the Burlington System of Railroads west of the Missouri River, and served in that capacity until a short time prior to his death on September 28, 1911.

In 1899 he was a Vice-President of the American Bar Association, and, in the absence of the President, Joseph H. Choate, he presided at the meeting in 1899, and delivered the President's address. At the same meeting, he was elected President.

The career of General Manderson was in a large way an index to the man. He was qualified to fill every position of honor or responsibility entrusted to him. He always gave enthusiastic and devoted service. By nature he had a happy union of alertness and stability; he could be constant and patient as well as quick and forceful. His balance of mind was rare, and his great heart inclined him to the right. He was clean and brave, morally, mentally and physically. Although his academic education was limited to the schools of his native city, to the end he was

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In 1891, just forty years after graduation, he received the honorary degree of Doctor of Laws from the University of Vermont.

Retiring from practice in 1907, he removed to his native town, Burlington, Vermont, where he died July 29, 1911.

CLARENCE RAPALJE CONGER.

Clarence Rapalje Conger was born at Brattleboro, Vermont, on March 13, 1851. He graduated from Columbia College in 1871 and from Columbia Law School in 1874. For seven years he was a member of Company "I" in the Seventh Regiment, and for many years afterwards an active member of the Veteran Association.

As a young lawyer Mr. Conger was urged to accept a partnership with one of the most prominent and influential members of the New York Bar, but he renounced what promised to be a brilliant career for less congenial work which he deemed to be his duty. The guiding principles of his life were ever those of morality and honesty. Although overburdened with his own work he always found time to fight the battles of the poor and oppressed. As a lay deacon in the Episcopal Church, Mr. Conger constantly interested himself in religious work and for many years conducted a Bible class for young men.

He was a tireless reader, and those who talked with him on any subject of religion, law or history were impressed by his masterly mind.

The last years of his life were clouded by illness and passed in retirement. With his death on January 22, 1911, a great moral personality passed away.

WILLIAM GILBERT DAVIES.

William Gilbert Davies was born in New York City, March 21, 1842. He was the son of Hon. Henry E. Davies, Justice of

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He then went abroad and entered the University of Leipsic. After a year's study he returned, entering the law office of Slosson, Hutchins & Platt. In 1863 he was admitted to the Bar, and after a partnership of a few years' duration with Henry H. Anderson became a member of the law department of the Mutual Life Insurance Company. He was made head of the department in 1885, resigning about 1895 in order to resume active practice.

Mr. Davies was a member of the New York State and City Bar Associations; a special lecturer on the law of life insurance in the Law School of the University of the City of New York; an active member of the New York and Virginia Historical Societies; of the New York Biological and Genealogical Society and a corresponding member of the New England Historic-Genealogical Society. His college gave him the honorary degree of LL. D. in 1906.

Mr. Davies died at his country home in Tuxedo Park on July 26, 1910.

EDWARD GIDEON HERENDEEN.

Edward Gideon Herenden was born in Macedon, Wayne County, New York, October 19, 1857, the son of Edward W. and Anna Hallett Herenden, who later were residents of Geneva. He was graduated from Hobart College with the degree of B. A. in 1879, and was the salutatorian of the class. The degree of M. A. was conferred upon Mr. Herenden by the same college in 1882.

Mr. Herenden came to Elmira and entered the law office of H. Boardman Smith, then a justice of the Supreme Court. After the required course of study he was admitted to the Bar in 1882. He first formed a partnership with Robert J. Knox which continued until 1887, when Mr. Knox removed to Minnesota. In 1891 Mr. Herenden and Hubert C. Mandeville formed a partnership which continued until his death in February, 1911.

Mr. Herenden was not only successful in the legal profession but was also extensively identified in business, church and social lines. He was an officer of the First Presbyterian Church; President of the Herenden Manufacturing Company of Geneva; a director of the Merchants' National Bank of Elmira since 1892, and counsel for the Elmira Savings Bank.

JAMES McKEEN.

James McKeen was born in Brunswick, Maine, on December 5, 1844, and was the son of Joseph and Elizabeth F. M. McKeen. He was graduated from Bowdoin College with the degree of Bachelor of Arts in 1864, and subsequently received the degree of Master of Arts in 1867, and the degree of Doctor of Laws in 1900. He was admitted to the Bar of New York State in 1867 and devoted himself to the practice of law continuously to the time of his death.

Mr. McKeen was a member of the firm of McKeen, Brewster & Morgan, and in 1905 was counsel for the Armstrong Investigating Committee. In 1907 he was appointed general counsel of the Mutual Life Insurance Company of New York City. He was overseer of Bowdoin College since 1866; President of the Board of Managers of the New York City Colonization Society and trustee of the Brooklyn Public Library and of Packard Collegiate Institute.

EDWARD MORSE SHEPARD.

Edward Morse Shepard died on July 28, 1911, in the sixty-second year of his age and at the height of his intellectual vigor. He was the son of Lorenzo B. Shepard, of New York City, a notable lawyer of his day, who, though dying at the early age of thirty-six years, had been successively United States District Attorney for the District of New York, District Attorney of New York County, and Corporation Counsel of the City of New York. The father's career was always a source of pride and inspiration to the son.

With the exception of a year at Oberlin College, Mr. Shepard was educated in New York City. He graduated from the College of the City of New York in 1869 with the highest honors. His interest in his *alma mater* never flagged. In 1904 he was appointed Chairman of its Board of Trustees and this office he held until the time of his death, except for a brief interval. Mr. Shepard did not attend a law school. He read law in the office of Man & Parsons, where he remained until 1875. He then

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became a partner of the late Albert Stickney under the firm name of Stickney & Shepard. This partnership continued until 1890, when he became a member of the firm of Parsons, Shepard & Ogden. Shortly after the dissolution of this firm in 1902, he formed the firm of Shepard, Smith & Harkness, of which he continued the senior member until his death.

Although Mr. Shepard's practice consisted almost entirely of civil cases, perhaps his best known legal work was the criminal prosecution of John Y. McKane and some twenty-six of his henchmen for election frauds in the Gravesend district of Brooklyn. Mr. Shepard's successes on the civil side were numerous and important. He was counsel to the Board of Rapid Transit Commissioners at the time that the present subway in the City of New York was built, and successfully conducted the many litigations that arose in connection with it. As advisory New York counsel to the Pennsylvania Railroad he had much to do with the legal matters incident to the entrance of that railroad into the city of New York and the construction of its new station and tunnels. He was frequently retained by other lawyers for the argument of appeals and important trials, and was the legal adviser of many important corporations.

Mr. Shepard was a Democrat by birth and conviction. He belonged to the Tilden-Cleveland school, and was a firm believer in the party's principles. In Brooklyn, where he lived, he early allied himself with and soon became the head of the reform faction of the party. In 1895 he was their candidate for Mayor of Brooklyn. Subsequently, in 1901, he was the Democratic candidate for Mayor of New York but was defeated by Seth Low. In 1910 Mr. Shepard seemed for a time the probable nominee of his party for the Governorship, and when the nomination and election went to Governor Dix it was the hope of many that Mr. Shepard would be chosen United States Senator by the Democratic legislature then elected. The press of the state was unanimous in urging his eminent fitness for the position. The senatorship had, however, been promised by the machine to Mr. William F. Sheehan. A deadlock resulted for upwards of two months which was finally broken by Mr. Shepard's withdrawal

from the contest and the ultimate selection of Judge O'Gorman.

Mr. Shepard was conspicuous in many fields of endeavor. He was the author of the *Life of Martin Van Buren*, published in the *American Statesmen Series*, and of many magazine and other articles. He was always in demand as a public speaker. Tulane University, Williams College and Washington and Lee Universities each conferred upon him the degree of Doctor of Laws. He was deeply interested in civil service reform, as in all movements which tended towards good government. Slight of build and of only medium stature, he was noticable for his dignity and distinction of manner. Although of a sensitive and high strung nature, and usually under great pressure of work, he was wholly free from irritability and other petty faults of lesser men. He was the ideal and inspiration of those who were privileged to work with him. It was well said by one of the speakers at the memorial service in his honor that "he was lacking in no noble quality." His influence for good was far-reaching. Indeed, the inspiration of his life lies in the wide-spread influence which he attained by reason of his high character, intellectuality and earnestness of purpose, notwithstanding the fact that he never held an elective office and that he belonged to a political party which was out of power for the greater portion of his life.

GILBERT MACMASTER SPEIR.

Gilbert MacMaster Speir, son of the late Judge Gilbert MacMaster Speir, was born in New York on the 3d day of July, 1852.

He graduated from Columbia College, receiving the degree of A. B. in 1873, and subsequently the degrees of A. M. and LL. B. Afterwards he entered his father's office in New York City and succeeded to the practice upon his father's elevation to the Bench. Mr. Speir was chiefly engaged in office practice, and as an adviser was highly regarded. He was an excellent lawyer and was frequently employed as referee during his active professional life.

Mr. Speir was also a good citizen and was at one time active and influential in his party. He was identified with the young

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tice of law in New York City. He formed a partnership in 1869 with Colonel Mason W. Tyler as Tremain & Tyler, which continued over twenty-five years. In politics a Republican, he was nominee of that party for judge of the Common Pleas Court in 1870. He was one of the founders and editors of the *Daily Law Journal*. Among his writings were "Last Hours of Sheridan's Cavalry"; "Two Days of War"; "Sectionalism Unmasked." He was one of the founders of the Grand Army of the Republic in New York; member and several times President of the Alumni of the College of the City of New York; colonel of Seventh Regiment Veterans, 1887-1891; President of the Society of the Army of the Potomac in 1901 and 1902, and President of the Republican Club of the City of New York in 1901 and 1906.

He was a gallant soldier, an able and successful lawyer, a writer of more than ordinary ability and in all things an honest, manly and true-hearted gentleman.

EDWARD BALDWIN WHITNEY.

Edward Baldwin Whitney was of New England ancestry, and was born in New Haven, Connecticut, on August 16, 1857. He graduated from Yale College in 1878, studied law at Columbia University and upon his admission to the Bar became a partner of General Henry L. Burnett.

He interested himself in politics in support of the Democratic party, and during the campaign of 1888 was secretary of the Young Men's League of Democratic Clubs. Upon the election of President Cleveland in 1892 he received the appointment of assistant attorney-general, in which position his work had a marked and lasting effect on federal jurisprudence.

When Mr. Whitney left Washington he had argued over one hundred cases in the Supreme Court, besides many others in the Federal Courts of Appeal and Circuit Courts.

After the change of administration Mr. Whitney returned to New York, joining the partnership of Goodrich & Hagen and later that of MacFarlane, Whitney & Monroe.

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of the highest quality and distinction, and the remembrance and effect of it will not soon pass away. His personal qualities were as attractive as his abilities were great; to know him was to admire and respect him."

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MARTIN DEWEY FOLLETT.

Martin Dewey Follett was born in Enosburg, Franklin County, Vermont, October 8, 1826, the son of Captain John Fassett Follett. He died at Marietta, Ohio, August 22, 1911. In 1836 his father settled on a farm in Licking County, Ohio. He was graduated from Marietta College with highest honors in 1853. He taught for one year in the high school at Newark, Ohio, and for two years in the academy and public schools at Marietta, Ohio, and in 1856 was elected superintendent of the local schools, which he served two years.

Mr. Follett was admitted to the Bar in 1858, at the time of his death being the oldest member of the local Bar in point of service. At the October election in 1883 he was elected to the Supreme Court of Ohio and served there from December 8, 1883, until February 9, 1888. While a member of the Supreme Court he established a reputation for industry and judicial ability which was recognized by the profession throughout the state.

Politically, Judge Follett was a sincere and loyal member of the Democratic party. He took much interest in matters of local government and exerted wide influence upon its affairs.

Judge Follett was a true friend of education. He served on the Board of Trustees of Marietta College for many years, and upon the local Board of Education.

As a man, Judge Follett possessed an interesting and strong personality; as a citizen, he was ever willing to assume his full share of the burden of public service; as a lawyer, he was successful, always faithful to his client, and honorable; and as a Christian, a faithful attendant upon the services of the First Congregational Church, and in his daily life loyal to his religious convictions.

FREDERICK JOHN MULLINS.

Frederick John Mullins was born in Milwaukee, Wisconsin, October 3, 1858. He removed to Wooster, Ohio, in 1871. After some time spent at the high school there he entered the University of Wooster, from which he graduated at the age of eighteen. He studied law with Judge John P. Jeffries, a leader of the Wayne County, Ohio, Bar; was admitted in 1879 and practiced there. He went to Salem, Ohio, in 1888, where he entered the legal department of the Pennsylvania Company, and became a member of the firm of Carey, Boyle & Mullins.

Most of his time was given to the legal matters of the Pennsylvania Company, but he had a considerable general practice. He was interested in civic rather than political affairs. He found his recreation in literature and hunting; in the former he was a student and in the latter an expert. His reticence and modesty kept him from the public eye, but he was at all times abreast of public affairs and a wise counsellor of those who engaged in them. No one accomplishment of his stands out as a fair measure of his ability. It was the constant preparedness to meet legal and public situations that made him great. His mind had wonderful clearness. His comprehension and analysis and memory were unusual; he had a strong grasp upon the principles of the law and a wide knowledge of their application.

He was an active member of the Ohio State Bar Association and for many years on the Executive Committee.

He was also a member of the Bar Association of Columbiana County. The last-named association adopted a memorial setting forth their high appreciation of his ability, character and standing, and expressing their profound admiration for him as a lawyer and their deepest feelings as a friend.

He died July 2, 1911.

OREGON.**WILLIAM H. FLETT.**

William H. Flett was born in Kenosha, Wisconsin, on May 10, 1856. He was prepared for college at the schools of his

native town and in 1894 was graduated from the Law School of the University of Wisconsin. Admitted to the Bar immediately afterwards he practiced at Merrill, Lincoln County, Wisconsin, in 1884-1905. He had a large and active practice in northern Wisconsin in both federal and state courts. By nature energetic and aggressive, he soon became prominent in Republican politics in northern Wisconsin. He was the city attorney of Merrill for five successive terms and was elected to the Wisconsin Assembly for the biennial term of 1896-1898. He was also a member of the commission to revise the state statutes and a member of the World's Fair Commission, representing Wisconsin at St. Louis. Sympathizing warmly with all progressive and reformatory movements, especially in the political field, he became ardently attached to the policies and personality of R. M. LaFollette, afterwards Governor of Wisconsin and now United States Senator.

In 1905 he removed to the State of Washington, where he had acquired considerable interests in coal and iron lands, and opened an office in Seattle, forming a partnership with Charles E. Shepard, of the Seattle Bar, and practiced in Seattle from 1905 until the time of his death, September 5, 1911.

Mr. Flett was an able lawyer, a vigorous legal and political speaker and an intense student. A breakdown of his nervous system in 1910 cut short a successful and promising career.

PENNSYLVANIA.

RICHARD LEWIS ASHHURST.

Richard Lewis Ashhurst was born February 5, 1838, at Naples, Italy, where his parents were then sojourning. He was a son of John Ashhurst, a well-known and highly esteemed member of an old Philadelphia family. His mother was a daughter of Manuel Eyre, also a well-known Philadelphian.

Mr. Ashhurst was graduated from the University of Pennsylvania in the year 1856 with the highest honors. He then read law in the office of William M. Meredith and was admitted to the Bar in June, 1859. He began the practice of his profession

by opening an office in what was then his father's residence, No. 225 South Sixth street, and his law office continued there during his entire life.

Shortly after the breaking out of the Civil War Mr. Ashhurst took an active part in raising and organizing the 150th Regiment of Pennsylvania Volunteers and he went into the service as its adjutant. He was brevetted major for distinguished gallantry at the battle of Gettysburg, where he was severely wounded.

He afterwards resumed the practice of law and soon attained a leading place in his profession. In the famous Jay Cooke bankruptcy he was of counsel for the trustees and he took a leading part in the litigation growing out of the Reading Railroad receiverships.

In 1906 he was appointed postmaster of Philadelphia. Upon the expiration of his four years' term he was reappointed by President Taft.

Mr. Ashhurst possessed naturally a brilliant intellect, which had been highly cultivated by study and by extensive reading in all branches of literature. He was a lawyer of the old school, whose learning was based on a thorough knowledge of fundamental principles, while his alert and active mind kept him always abreast of the latest expositions of the law, and his remarkable memory enabled him to have his learning at ready command.

Mr. Ashhurst was a man of most amiable disposition and cheerful temperament. His kind and sympathetic nature greatly endeared him to all his subordinates, both in public office and private life, and his open-handed generosity was well known.

He died January 30, 1911.

JOHN FRISBEE KEATOR.

John Frisbee Keator died at Boston, November 17, 1910. He was born April 16, 1850, at Roxbury, in the Catskill Mountains, being a descendant of John More, a Scotch pioneer and patriot, who settled in that vicinity in 1772.

Mr. Keator was a self-made man. He prepared for Yale College at Williston Seminary, East Hampton, Mass., and was

graduated from Yale in 1877. In 1879 he received the degree of LL. B. from the University of Pennsylvania and began practicing law in Philadelphia. In 1890 he was admitted to the Bar of the United States Supreme Court. He was senior member of the firm of Keator & Johnson, his practice being chiefly corporation and Orphans' Court work. In politics he was an independent Republican, having been in the vanguard of modern reformers. In 1896 he was standard-bearer of the Business Men's League in a contest for clean politics and was twice sent to the legislature from the Germantown district with flattering majorities. In his legislative career, though staunchly independent, he had the respect of all parties and was appointed attorney for the House in the investigation of the cause of the fire which destroyed the State Capitol. Throughout his career he was actively identified with religious and civil work and was a member of many civil and social organizations.

GEORGE BLACK RODDY.

George Black Roddy was born in Jackson Township, Perry County, Pennsylvania, February 27, 1866, and died September 5, 1910. His early boyhood was spent upon a farm. He attended the common schools and was a student at the Bloomfield Academy in his native county from 1879 to 1882. In 1882 he entered Princeton College.

His career at college was a series of successes. After graduating he became instructor in Latin and Greek in Princeton University, and later instructor in Greek in Princeton Theological Seminary, of which he was an alumnus; he also took a course in theology in the University of Berlin, Germany. Mr. Roddy had a special adaptation for the acquisition of languages and became a student thereof at Paris, Rome and Athens. He spoke French, German and classical Greek with proficiency. During his attendance at the American School at Athens he also acquired modern Greek.

In 1898 Mr. Roddy was admitted to the Bar of his native State. He entered upon the practice of law with a wonderfully trained mind and devoted himself to the study of legal

principles with the same painstaking thoroughness and indefatigable industry that were characteristic of the man in all his efforts; his learning was recognized, his ability appreciated and he quickly won merited success. Although the practice of law became his chief occupation, he was also interested in several other material enterprises.

PORTO RICO.

HENRY FOOTE HORD.

On the 23d day of September, 1911, the Bar of Porto Rico lost one of its brightest ornaments—Henry F. Hord. He was born in Brownsville, Texas, on the 29th day of August, 1860. His grandfather was American Consul at Matamoras, Mexico, for many years. His father was an eminent member of the Bar of Texas. He was brought up in western Texas where he received the rudiments of his education, which was finished at the University of Virginia. He was a graduate of the law school of that institution. After receiving his degree he practiced law for two years in his native town and then moved to Rio Grande City. Here he practiced quite successfully until 1901 when he went to Porto Rico, and was soon afterwards appointed a judge of the District Court at the capital. Retiring from the Bench in a few months, he resumed practice at San Juan and for nearly ten years enjoyed a lucrative income. Being a finished Spanish scholar and thoroughly familiar with the civil law, his career at the Bar was a continuous success. He practiced with equal facility in the Federal Court and in the Insular Courts, winning some of the most important cases ever filed in Porto Rico. After leaving the Bench he was in 1906 appointed a member of the commission to revise and codify the statutes of Porto Rico. This duty, together with his able colleagues, native lawyers of high standing, he discharged quite satisfactorily, and the results of their labors have been placed in the hands of the Insular Government for adoption by the legislature. He was also appointed by the Governor, on the recommendation of the Supreme Court, as one of the Commissioners on Uniform State Laws; but after



doing some valuable work resigned the post in order to make a European tour. He declined several other lucrative and honorable positions to devote himself entirely to his extensive practice.

In 1897 he married Della Norris, daughter of a well known Texas family. He had acquired a fine property in Porto Rico and his beautiful home, on the Atlantic seashore in Santurce was the seat of perennial hospitality.

His character was an open book; and everyone, both native and continental, knew him for an honest, intelligent, high-minded, generous and noble man. He had been a member of the American Bar Association for many years and at the time of his demise was the vice-president of its local board. His untimely death is sorely mourned by a host of friends both in Porto Rico and the Lone Star State.

SOUTH CAROLINA.

STOBO JAMES SIMPSON.

Stobo James Simpson was born at Laurens, South Carolina, March 14, 1853. He attended the village schools during boyhood and prepared for Princeton College at the Laurens Male Academy. In the fall of 1871 he entered the sophomore class of Princeton. Being unable to return to college and complete his course, he began teaching in his native county in 1873. During his spare hours he read law and was admitted to practice at Greenville, S. C., at the spring term of 1876. In June, 1876, he settled in Spartansburg, S. C., entering into partnership with his uncle, Col. W. D. Simpson. This partnership continued until 1879, when he entered the firm of Evins, Bomar & Simpson. Upon the death of the older member of this firm the name was changed to Simpson & Bomar and so continued until Mr. Simpson's death October 28, 1910.

In 1886 Mr. Simpson was elected to the legislature from Spartansburg County, was appointed a member of the Judiciary Committee and was very influential in shaping legislation during his term. He was an elder in the Presbyterian church; trustee in Converse College, and a director of a number of business enterprises.

Mr. Simpson's career as a lawyer and as a public spirited citizen was such as should inspire the younger members of the Bar. In life he was pure in thought and deed, prominent in the affairs of his church, and ever active in all that tended to upbuild the moral interest of his community and state. As a member of the Bar Association of South Carolina he was ever active in promoting those measures that looked to the uplifting of the profession. As a lawyer he loved his chosen profession, and in its practice he was earnest, zealous and singularly able. He was a close student, a powerful reasoner and his high character and the fairness with which he conducted his cases gave him great weight with the courts and juries of the state.

TENNESSEE.

WILLIAM DWIGHT BEARD.

William Dwight Beard was born October 25, 1835, at Princeton, Kentucky. His father was the Rev. Richard Beard, a minister of the Cumberland Presbyterian Church.

When he was fifteen years old his parents moved to Lebanon, Tennessee, where his father was pastor of a church and at the head of the Theological Department of Cumberland University. He graduated in the academic department, and later in the Law School of Cumberland University and began the practice of law in 1860 at Lexington, Mo.

In the same year he moved to Memphis, Tennessee, and began the practice of law in that city. In May, 1862, he joined the Confederate army, and was attached to the staff of Gen. A. P. Stewart. In 1863 he was appointed assistant adjutant-general on the staff of General Joseph Shelby, in which capacity he served until 1864. He was wounded and disabled from service until a short time before the surrender, when he rejoined his command.

At the conclusion of the war he returned to Memphis and again entered upon the active practice of his profession. In 1890 he was appointed to a vacancy upon the Bench of the Supreme Court of Tennessee, and served until the next general election in August of that year.

In 1891 he was appointed Chancellor of the Chancery Court of Shelby County. and occupied this position until 1894, when he was elected to the Supreme Court of Tennessee for a full term. In 1902 he was re-elected and was made Chief Justice of the court and held this position until re-election in 1910.

On the 7th of December, 1910, during the term of the Supreme Court at Nashville, he died.

When Judge Beard resumed the practice of law at Memphis, after the close of the war, he soon took high rank in a Bar noted for the ability of its members. He was always the finished and accomplished lawyer, and his arguments were models of force coupled with urbanity. As a judge, he was distinguished not only for moral, but for mental integrity. He was learned, clear, concise, direct and just. Presiding upon the Bench he was dignified without being severe, and possessed a happy faculty of preserving order and expediting business without harshness or discourtesy. The most companionable and most easily approachable of judges, his character for judicial impartiality suffered no suspicion thereby. He knew how to carry the office of a judge above reproach without being austere and forbidding.

TEXAS.

CHARLES W. OGDEN.

Charles W. Ogden died at San Antonio, Texas, April 19, 1911. He was a native of Texas and came of a long line of distinguished lawyers, his father having been Chief Justice of the Supreme Court of Texas, and his uncle, Sanford E. Church, having been Chief Justice of the Court of Appeals of New York.

Mr. Ogden was a lawyer of great ability and exalted character. For nearly thirty years he occupied high rank at the Bar of Texas and the southwest, enjoying a lucrative practice and representing large interests. He participated in some of the most important cases tried in the southwest and had a wide acquaintance with the leading lawyers of the United States.

Several years ago he was offered an appointment on the Bench of the United States Circuit Court, but declined it. He was a

steadfast Republican in politics, and while he never sought office he took a high place in the councils of his party. He was delegate at large to the convention which nominated President Taft and was a member of the committee on platform and resolutions.

WASHINGTON.

ROBERT G. HUDSON.

Robert G. Hudson was born in Yazoo City, Mississippi, in the year 1848, and died April 16, 1911, at Tacoma, Washington. He was a son of Robert S. Hudson, an able and distinguished lawyer of Mississippi. In 1878 he married Nannie C. Hill, daughter of A. P. Hill, a well known lawyer in Mississippi. In 1883 he formed a partnership with Robert S. Holt, which continued in Mississippi and in Tacoma, Washington, until the death of Mr. Hudson.

Mr Hudson was an able and successful lawyer. In the conduct of his business and in his relations to the Bench and Bar he attained an ideal standard of ethics and morals. He freely gave his time to the service of the public, and was a leader in all movements in the community in which he lived directed towards the improvement of moral, political or economical conditions. No citizen was more highly honored or more generally esteemed. His unswerving honesty, his fidelity and his simple sincerity were fully recognized and appreciated.

EDWARD WHITSON.

Edward Whitson, who died at Spokane, Washington, on October 15, 1910, was born in Linn County, Oregon, October 6, 1852.

In 1870 he went to Washington and at first engaged in stock-raising. Later he was elected auditor of Yakima County, holding the office for two years. He was then elected to the territorial legislature and served one term in the lower house. He was admitted to the Bar in 1878 and practiced at Yakima City, but removed in 1885 to North Yakima, of which city he became the first mayor and was twice re-elected.

He became associated in the practice of the law with former Senator John B. Allen and Judge Mitchell Gilliam. Later the firm became Whitson & Parker and remained such for many years, and until Mr. Whitson was appointed as the first federal judge over the newly created division for the eastern district of Washington.

Without earlier experience upon the Bench, Judge Whitson nevertheless brought to his position a mind most judicial, an ideal temperament, and a conscientiousness so rare as to be the subject of continual comment by the members of the Bar whose pleasure it was to appear before him.

He always took an active interest in the affairs of the Republican party. He was to be found at state conventions coming as the delegate from his own county, and just prior to his elevation to the Bench he presided at the state convention of his party.

WISCONSIN.

ROBERT McKEE BASHFORD.

Robert McKee Bashford was born in Lafayette County, Wisconsin, December 31, 1845. He graduated from the academic department of the University of Wisconsin in 1870, and from the Law School of the same university in 1871. Thereafter he spent about five years in newspaper work, being one of the editors of the Madison Democrat. In 1876 he entered upon the practice of the law at Madison, where he resided until his death; except for the years 1885 to 1889, when he practiced at Chicago. For a short time prior to his removal to Chicago he was a member of the faculty of the Law School of the University of Wisconsin, and after his return to Madison he again became a member of the same faculty, lecturing on various subjects from 1893 to 1908. In January, 1908, he was appointed an Associate Justice of the Supreme Court of Wisconsin to succeed John B. Cassoday, but at the election in the following April he was defeated in his campaign for the unexpired term of Justice Cassoday. He then resumed the practice of law at Madison,

but was forced to give up active practice for some time before his death on account of long continued illness.

Judge Bashford had an extensive practice and was engaged in many important cases, attaining a high rank at the Bar of the state. From 1891 to 1893 he devoted a large portion of his time as special counsel for the state in the actions brought against former state treasurers and their sureties to recover interest retained. In these actions the state was successful, obtaining judgments for over four hundred thousand dollars. He was also special counsel for the state in the litigation regarding the inheritance tax law of Wisconsin and was successful in sustaining the law. In general practice he devoted special attention to corporation and commercial law. In his lecture work he was very successful and he was popular with students.

For a number of years Judge Bashford was active in the Democratic party, being a delegate to the National Convention in 1884, Mayor of the City of Madison in 1890, and State Senator from 1893 to 1897.

He died at Madison, Wisconsin, January 29, 1911.

OGDEN HOFFMAN FETHERS.

Ogden Hoffman Fethers was born at Sharon, Schoharie County, New York, on September 20, 1845. He was of Puritan descent, his grandfather being a nephew of President John Adams. He graduated at Fort Edward Collegiate Institute in 1863; studied law with James E. Dewey at Cherry Valley, New York, and was admitted to practice in New York, in 1867, at the age of twenty-two. He married Frances Conkey at Canton, New York, in 1868, and settled in Janesville, Wisconsin, in 1877, where he continued to reside until his death, July 3, 1911.

On going to Janesville he formed a partnership with B. B. Eldredge, under the firm name of Eldredge & Fethers. In 1881 he formed a partnership with John Winans under the name of Winans & Fethers. Later the firm became Fethers, Jeffris & Mouat. Mr. Fethers retired from practice several years prior to his death.

He was a brilliant lawyer and most eloquent speaker, a man of very broad education and was well equipped in all branches

of legal practice. He took part in many of the most noted and important litigations in Wisconsin, particularly between the years 1885 and 1905. He was one of the Commissioners for the United States at the last Paris Exposition.

Mr. Fethers served one term as Supreme Chancellor of the Knights of Pythias and straightened out a most serious financial entanglement which had existed in the order, putting the insurance branch of the order upon a sound footing.

He was a staunch Republican in politics and took active interest in political affairs although never a candidate for office. He was twice Chairman of the Republican State Convention and took an active part as a speaker in nearly every campaign.

JAMES MADISON PERELES.

James Madison Pereles was born in Milwaukee, April 27, 1852. He was educated in the public schools and attended the German and English Academy. In 1874 he graduated from the University of Wisconsin Law Department. His father came to Milwaukee in 1846 and was admitted to practice law in 1857. In 1874 they formed the firm of Nath. Pereles & Son.

On March 27, 1893, he was appointed school commissioner, this being the first public office he ever held; he was elected President of the School Board in 1894. In 1897 he was appointed member of the Board of Trustees of the Public Library, and in the same year was elected its president and served continuously in both capacities until his death. Governor Scofield appointed him on May 12, 1899, Judge of the County Court for Milwaukee County. At the time of the organization of the Milwaukee Alumni Association of the University of Wisconsin, he became its president. On March 6, 1902, he was appointed one of the regents of the University of Wisconsin by Governor LaFollette, re-appointed to succeed himself, and later resigned, and was appointed by Governor LaFollette as a member of the Wisconsin Free Library Commission to succeed the late Senator Stout. He was elected president of this commission, which office he held until his death, December 11, 1910.

On September 6, 1874, he was married to Jennie Weil of Merton, Waukesha County, Wisconsin.

SUMMARY OF PROCEEDINGS OF STATE BAR ASSOCIATIONS

ALABAMA STATE BAR ASSOCIATION.

The thirty-fourth annual meeting of the Alabama State Bar Association was held in the Senate Chamber in the Capitol at Montgomery on the 7th, and at Jackson's Lake on the 8th days of July, 1911.

The meeting was called to order by the President, John London, who delivered his address, reviewing the noteworthy changes in the Statute Laws of the various states and by Congress.

The annual address was made by William A. Blount, of Pensacola, Fla., on the subject, "The Past, Present and Future Status of Employers and Employees."

Reports were read from the following committees: on Judicial Administration and Remedial Procedure, by the Chairman, John Pelham; on Legal Education and Admission to the Bar, by the Chairman, W. R. Walker; on Correspondence, by the Chairman, Julius Sternfeld; on Local Bar Associations, by the Chairman, A. C. Howze; a Memorial from the Central Council was presented by Harry Upson Sims, Chairman of the Council. Dr. Thomas M. Owen presented brief sketches of Judge J. C. Richardson and Edward L. Russell, two of the three members who had died during the past year.

The following papers were read before the Association: "Our Imperative Duty to Procure Judicious Reforms in Our Judicial Procedure," by Sam. Will John, Esq., of Birmingham; "Judiciary Recall," by W. W. Lavender, of Centerville; "Direct Legislation and its Operation in America," by L. J. Bugg, of Monroeville; "Some Mistakes of Lawyers and Judges," by W. W. Whiteside, of Anniston; "The Subordination of the Judge to the Jury," by C. C. Whitson, of Talladega, and "Handling the Facts," by Ray Rushton, of Montgomery.

A barbecued dinner was given by the Association to its members and invited guests at Jackson's Lake on the 8th.

The Association elected Hon. John Pelham, of Anniston, President, and Alexander Troy, of Montgomery, Secretary and Treasurer, for the ensuing year.

Many questions of importance and of interest to the profession and the people generally were discussed at the meeting, some of which were acted on by the Association and some referred to the Executive Committee for action during the year, but all tending in great degree to demonstrate the necessity of the Bar Association to the lawyers of the state. The Association by a unanimous vote put all honorary members, except those residing out of the state, on the roll of paying members.

ALASKA BAR ASSOCIATION.

No report has been received.

ARIZONA BAR ASSOCIATION.

No report has been received.

BAR ASSOCIATION OF ARKANSAS.

The fourteenth annual meeting of the Bar Association of Arkansas took place at Hot Springs, Ark., on May 30-31, 1911.

The President's address was read by President W. V. Tompkins of Prescott, Ark., upon "The Relationship Between the Church and State." The address deals with this relationship from earliest days to the present.

Judge U. M. Rose, of Little Rock, Ark., read a very interesting paper upon "Reminiscences of the Early Bar in Arkansas." Judge Rose came to Arkansas and commenced the practice of law in 1853, and his recollections of those days and of the lawyers with whom he practiced were especially interesting to Arkansas lawyers.

Judge Joseph W. House, of Little Rock, Ark., read a paper upon "Personal Reminiscences of the Constitutional Convention of 1874." Judge House was one of the youngest members of the

Convention of that year which adopted the Constitution now in force. His paper was really a historical one, covering the reasons for calling the Convention and the results of the same.

CALIFORNIA BAR ASSOCIATION.

The first annual meeting of the California Bar Association was held in Los Angeles, December 6 and 7, 1910.

Curtis H. Lindley, of San Francisco, delivered the President's address entitled "Tendencies of Modern Legislation."

Papers were read by Henry J. Stevens, of Los Angeles, entitled "Admission and Disbarment of Attorneys"; Oscar A. Trippet, of Los Angeles, on "An Independent Judiciary"; Charles S. Wheeler, of San Francisco, on "Distinctive Character of the Ethical Obligations of the American Lawyer"; William Denman, of San Francisco, on "Non-Partisan Judicial Elections and the Duty of the Bar in the Selection of Judges"; John E. Richards, of San Jose, on "Oratory, the Lost Art of Our Profession"; Professor Frederick C. Woodward, of Leland Stanford, Jr., University, on "The Education of a Lawyer."

The following officers were elected for the years 1910-11: President, Lynn Helm, Los Angeles; Secretary, T. W. Robinson, Los Angeles; Treasurer, H. C. Wyckoff, Watsonville.

COLORADO BAR ASSOCIATION.

No report has been received.

STATE BAR ASSOCIATION OF CONNECTICUT.

The annual meeting of the State Bar Association of Connecticut was held in Bridgeport on February 6, 1911. The President's address was delivered by George E. Hill, of Bridgeport. Mr. Hill stated that the code of professional ethics, adopted by the Association, is now printed in Volume 82 of the Connecticut Reports and that candidates for admission to the Bar are now required to pass an examination on its provisions. He discussed the work of the Grievance Committees of the Bar in the state and pointed out that the hearings of such committees

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should not be open to the public. He gave the summary of all the decisions of our Supreme Court of Errors during the past year.

A Special Committee on Judicial Code pending in Congress made a report, recommending that the State Bar Association of Connecticut do not favor the abolition of the Circuit Court of the United States, and respectfully requesting that the Congressional action to that effect be postponed until the next session of Congress. This report was adopted and afterwards printed in the *Congressional Record*.

The Committee on the Improvement of Legal Proceedings, of which Simeon E. Baldwin was Chairman, reported on various matters of practice in the Supreme Court of Errors.

The Committee on Judicial Administration reported on a large number of matters of practice in the state courts, which are mainly of local interest.

The annual banquet was held at the University Club of Bridgeport in the evening, and addresses were made by Charles H. Sherrill, of New York, United States Minister to the Argentine Republic; Stiles Judson, States Attorney for Fairfield County, and E. L. Smith, Mayor of Hartford.

DELAWARE STATE BAR ASSOCIATION.

There was no meeting of the Delaware State Bar Association held during the year 1911.

BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA.

No report has been received.

FLORIDA STATE BAR ASSOCIATION.

No report has been received.

GEORGIA BAR ASSOCIATION.

The twenty-eighth annual session of the Georgia Bar Association was held on Saint Simon's Island, June 1 and 2.

The President delivered his address entitled "Brevity and Reform."

The following papers were read before the Association: "The Three Judiciaries," by Dupont Guerry, of Macon. "Justice Courts; Their Constitution, Jurisdiction, and the Procedure Therein," by J. S. Slicer, of Atlanta. "Procedure in Criminal Cases," by A. W. Evans, of Sandersville. "A Celebrated Case—the Myra Clark Gaines Litigation," by J. Carroll Payne, of Atlanta; "The Pressing of Individual Rights of Property," by W. A. Blount, of Pensacola, Fla. "Rufus Choate's Speech Against Popular Election of Judges," read by J. C. C. Black, of Augusta.

The following officers were elected for 1911-12: President, Alex. W. Smith, Atlanta; Secretary, Orville A. Park, Macon; Treasurer, Z. D. Harrison, Atlanta.

BAR ASSOCIATION OF THE HAWAIIAN ISLANDS.

The Bar Association of the Hawaiian Islands held its twelfth annual meeting May 31, 1911, and its annual dinner June 3, 1911, in Honolulu.

Papers were read by Judge C. F. Clemons on "Uniform Laws," by Judge A. G. M. Robertson on "Procedure in Courts" and by Alex. Lindsay on the "Code of Legal Ethics."

IDAHO STATE BAR ASSOCIATION.

The annual meeting of the Idaho State Bar Association was held in the federal court room at Boise, Idaho, on January 12, 13 and 14, 1911. This was the first meeting since January, 1909, it being the practice of the Association to hold its regular meetings only during the biennial sessions of the state legislature. The President's address was delivered by Frank Wyman, which treated of matters relating to the reform procedure. It was a thoughtful and pleasing address, calling forth a great deal of discussion from the members.

No annual address, as such, was delivered, but addresses on different subjects were delivered by Governor James H. Hawley, O. E. McCutcheon, S. H. Hays, B. W. Stoutemyer and C. P. McCarthy.

The most important work done by the committee consisted of

a report of the Committee on Reform and Civil Procedure. A change in the appellate procedure in the state was recommended and after discussion the report was adopted and steps were taken to have the proper bills drafted to be presented to the legislature. It may be said that the reforms in appellate procedure suggested by the committee have been enacted into law by the legislature. These reforms consist mainly in provisions whereby the reporter's transcript may be taken to the Supreme Court on appeals without the necessity of having a printed bill of exceptions or statement of the case.

THE ILLINOIS STATE BAR ASSOCIATION.

The Illinois State Bar Association held its thirty-fourth annual convention at Champaign-Urbana, Illinois, on June 23 and 24, 1911. The President's address was delivered by William R. Curran, of Pekin, Illinois. It contained a review of the most important acts of the last meeting of the General Assembly, and discussed at length the lawyer's relation to the people and the government.

The annual address was delivered by Charles J. Bonaparte, of Baltimore, Maryland, on the subject "Judges as Law Makers." It contained many timely criticisms upon the present method of the administration of justice.

Important reports were made by the Committee on Law Reform, Judicial Administration and Legal Education. The report of the Committee on Law Reform, which presented a tentative draft of an act to reform the practice and procedure of Illinois, was the subject of extended and earnest discussion. Action thereon, however, was deferred until the next annual meeting which occurs before the next meeting of the General Assembly.

Addresses were delivered by Judge George W. Wall, of DuQuoin, Illinois, a former member of the Illinois Appellate Court, on the subject "Judicial Settlement of International Disputes." Mary M. Bartelme, Public Guardian of Cook County, read a paper on the subject "A Woman's Place at the Bar." Clarence True Wilson, of Portland, Oregon, delivered an address

on the subject "Oregon's Experiments in Self-Government."

The meeting closed with a banquet at which Charles J. Bonaparte, of Baltimore, Maryland, responded to the toast "Our Guest"; Judge Harry Higbee, of Pittsfield, Illinois, "The Old Time Lawyer"; Ralph Dempsey, of Pekin, Illinois, "The Young Lawyer"; Henry I. Green, of Urbana, Illinois, "The Country Lawyer," and S. S. Page, of Chicago, Illinois, "The City Lawyer."

A semi-annual meeting of the Illinois State Bar Association was held at Springfield, Illinois, on February 16, 1911. This was a one-day meeting at which the question of the reform of the law of practice and procedure, which is a very live question in Illinois, was the sole subject of discussion. At this meeting appropriate exercises were held in the new Supreme Court building in connection with the unveiling of the portraits of former justices of the Supreme Court. On this occasion the following addresses were delivered:

Address of Welcome, Chief Justice Alonzo K. Vickers; "The Supreme Court Under the Constitution of 1818," Edward C. Kramer, of East St. Louis; "The Supreme Court Under the Constitution of 1848," Steven S. Gregory, of Chicago; "The Supreme Court Under the Constitution of 1870," William R. Curran, of Pekin; response on behalf of the court by Justice James H. Cartwright, of Oregon, Illinois.

The meeting closed with a banquet at the St. Nicholas Hotel, Springfield, Illinois, at which William R. Curran presided as toastmaster. Toasts were responded to as follows: "Illinois," James A. Connolly, of Springfield, Illinois; "The Law," George T. Buckingham, of Chicago, Illinois; "The Courts," Frank J. Loesch, of Chicago; "The Bar," Adlai E. Stevenson.

STATE BAR ASSOCIATION OF INDIANA

The fourteenth annual meeting of the State Bar Association of Indiana was held on the Winona Assembly Grounds, Winona Lake, Indiana, on July 11 and 12. William A. Ketcham, of Indianapolis, Ind., the President of the Association, delivered the

President's address on the subject "Fundamental Law." The annual address was delivered by Peter W. Meldrim, of Savannah, Ga., on "Master and Servant," treating specifically employers' liability and workmen's compensation acts.

Other papers were read by Timothy E. Howard, of South Bend, Ind., on "Our Charters"; Lynn D. Hay, of Indianapolis, Ind., on "Making and Amending Constitutions," and Enoch G. Hogate, of Bloomington, Ind., on "Is There a Law's Delay?"

On the evening of July 11 a dinner was served at the Winona Hotel by the Association for the members and their guests, and on the evening of July 12 the annual banquet was served at the same place.

The following officers were elected: President, Samuel Parker, South Bend; Vice-President, John W. Hanan, Lagrange; Treasurer, Frank E. Gavin, Indianapolis; Secretary, George H. Batchelor, Indianapolis.

IOWA STATE BAR ASSOCIATION.

The seventeenth annual meeting of the Iowa State Bar Association was held at Oskaloosa, Iowa, June 29 and 30, 1911.

The annual address was delivered by Governor John Burke, of North Dakota, on the subject "Employer's Liability and Workmen's Compensation Acts." Other papers presented were "The Lawyer as a Patriot," by Justice John C. Sherwin, of Mason City, Iowa; "Particularist Society," by F. F. Dawley, of Cedar Rapids, Iowa; the President's address on "John Marshall," by J. L. Carney, of Marshalltown, Iowa; "The Law," by W. R. Lewis, of Montezuma, Iowa; "A Practical Legal Education," by Ralph Otto, of Iowa City, Iowa.

At the banquet, at which J. L. Carney, of Marshalltown, presided, the speakers and their subjects were as follows: James A. Devitt, of Oskaloosa, on "The Uncertainties of the Law"; J. M. Parsons, of Des Moines, "The Judge and the Law"; J. C. Davis, of Des Moines, "Railroads and the Law"; M. J. Wade, of Iowa City, "A Jury of our Peers"; Governor John

Burke, of Bismarck, North Dakota, "The Bench and Bar of North Dakota"; Walter I. Smith, "The Federal Judiciary and the Bar."

BAR ASSOCIATION OF THE STATE OF KANSAS.

The Bar Association of the State of Kansas held its twenty-eighth annual meeting in Topeka the 11th and 12th of January, 1911. C. A. Smart, the President, delivered the President's opening address, subject: "The Establishment of Justice."

Burr W. Jones, of Madison, Wisconsin, delivered the regular annual address, the subject being "The Maladministration of Justice."

The report of the Committee on Crimes and Criminal Procedure was discussed very fully. The special committee having this subject under consideration was continued with instructions to report more fully next year.

Papers were read in addition to those named above as follows: "The Moral Duty to Aid Others as a Basis of Both Civil and Criminal Liability," Adelbert O. Andrew, student at the State University Law School, Lawrence, Kansas; "Right of Trial by Jury," A. E. Crane, Holton, Kansas; "The Trial Judge," C. E. Branine, Newton, Kansas; "Constructive Service," Jay T. Botts, Coldwater, Kansas; "The Unwritten Law," A. M. Harvey, Topeka, Kansas; "Psychology as Related to Testimony," Wm. A. McKeever, Professor of Philosophy at the Kansas State Agricultural College, Manhattan, Kansas.

It was one of the most successful meetings ever held by the Association.

KENTUCKY STATE BAR ASSOCIATION.

The tenth annual meeting of the Kentucky State Bar Association was held in the Circuit Court room at the Fayette County Court House, Lexington, Kentucky, on July 12 and 13, 1911. The address of welcome to the Association was delivered by Judge Charles Kerr, of the Fayette Circuit Court.

The President's annual address was delivered by J. D. Mocquot of Paducah.

Woodrow Wilson, Governor of New Jersey, delivered the annual address in the Lexington Opera House on the night of July 12. His subject was "The Lawyer in Politics." He was introduced to the audience by Augustus E. Willson, Governor of Kentucky. His address was scholarly and was enthusiastically received.

A number of interesting papers were read and much general discussion was provoked, particularly by the report of the Law Reform Committee. This report recommended that a life tenure be provided by law for all judges of the state Court of Appeals and Circuit Courts. A resolution to this same effect has been adopted by the Louisville Bar Association, which recommended that the term of all present judges be extended and that the life tenure be applied to those now in office.

Legislation looking to raising the standard of the Bar by improving the conditions under which admission to the Bar can be obtained was recommended and approved.

Judge Alex. P. Humphrey, of Louisville, discussed the meaning of the decisions of the Supreme Court in the Standard Oil and American Tobacco Company cases.

The subject of a scholarly address by J. F. Gordon, of Madisonville, was "Is the Fellow Servant Law Becoming Obsolete?"

A paper, "The Value of Precedent," by Judge Shackelford Miller, of the Kentucky Court of Appeals, was of great interest to the association and received close attention.

Matt O'Doherty, of Louisville, discussed "Lawyers' Fees."

The election of United States Senators by direct vote of the people was most ably discussed in a paper by Judge Lyman Chalkley, of Lexington, who strongly argued against a change in the present system.

The attendance at the meeting was the largest since the organization of the Association, and the interest was the greatest.

A banquet closed the meeting, prior to which the following officers were elected: President, John Bryce Baskin, Louisville; Secretary, R. A. McDowell, Louisville; Treasurer, John K. Todd, Shelbyville.

LOUISIANA BAR ASSOCIATION.

No report has been received.

MAINE STATE BAR ASSOCIATION.

The Association meets biennially, at Augusta, shortly after the convening of the Legislature, which meets biennially.

The meeting this year was held in the Senate Chamber at the State House, Wednesday afternoon, January 11. The afternoon was devoted to business. In the evening a banquet was held at the Augusta House.

The address was delivered by Frank S. Streeter, of Concord, New Hampshire, upon the subject, "The World Moves." The address considered the great changes which have rapidly taken place within a few years in industrial conditions, in legislation and in theories of government, summarizing concretely the results which in many instances seem extremely radical; the causes underlying such changes; the apparent trend and some of the dangers of misdirection; the present and imperative need of the disinterested aid of the legal profession in guiding in the proper direction movements, the extent of which must be fully and clearly recognized.

The address created much favorable comment and was frequently referred to thereafter in the business session and at the banquet.

The Association voted not to adopt the oath of admission to the Bar recommended by the American Bar Association but to retain the present statutory form of oath, which has long been used in the State.

The Association also voted not to present to the legislature the bill relating to expert testimony which had been presented at the last session but not adopted.

The Association voted to recommend certain changes in the legal procedure, which changes were incorporated in a bill and subsequently presented to the Legislature, but was not adopted. The question of establishing a system of superior courts was discussed with the result that a special committee was appointed

to consider the whole matter of reorganization of the courts and report at an adjourned meeting. At the adjourned meeting the committee reported that it was unable to agree upon the changes to be made.

MARYLAND STATE BAR ASSOCIATION.

The sixteenth annual meeting of the Maryland State Bar Association was held at Cape May Hotel, Cape May, N. J., June 29th, 30th and July 1st, 1911.

The President's address was delivered by William L. Marbury, of Baltimore, entitled, "The Lawyer of Fifty Years Ago and the Lawyer of Today."

Addresses were delivered by Judge Samuel W. Pennypacker, of Pennsylvania, entitled "Judicial Experience in Executive Office"; Jackson H. Ralston, of the District of Columbia, entitled "The Hague Court—Its Functions and History"; Judge Henry Stockbridge, entitled "Titus"; Isaac Lobe Straus, of Baltimore, entitled "Some recent Biographies of World-Famed Lawyers"; Archibald H. Taylor, of Baltimore, entitled "Is Competition Compassed by Immortality, That Sort of Unrestricted Trade That is Favored of the Law?"; Edward Q. Casbey, of New Jersey, "The Court and the New Social Questions."

The following officers were elected for the year 1911-12: President, Judge James Alfred Pearce, Chestertown; Secretary, James W. Chapman, Jr., Baltimore; Treasurer, R. Bennett Darnell, Baltimore.

MASSACHUSETTS BAR ASSOCIATION.

Until 1909 there had never been any active organization composed of members of the Massachusetts Bar. All the associations of lawyers had been county organizations. In 1909 the Massachusetts Bar Association was formed, and its second meeting, and first annual meeting, was held December 17, 1910.

Richard Olney, the President, delivered an address. The business of the meeting was almost entirely confined to the report of the Committee on Legislation upon measures which had been proposed to lessen the delay in the administration of justice in civil actions.

THE MICHIGAN STATE BAR ASSOCIATION.

The Michigan State Bar Association held its twenty-first annual meeting at the city of Battle Creek, July 6 and 7, 1911.

President C. W. Perry, of Clare, delivered an address on the subject "Criticisms of the Courts," especially condemning the recall as to the judiciary. Grant Fellows, of Hudson, read a paper entitled "Reversals for Technical Errors." Harry A. Lockwood, of Detroit, read a paper on the life of Hon. Isaac P. Christiancy, one of the former justices of the Supreme Court of Michigan. A marble bust of Judge Christiancy was presented to the Association and placed upon a pedestal in the law library, in the capitol building at Lansing.

The annual address was delivered by George W. Wickersham, Attorney-General of the United States, the subject of the address being "Recent Interpretation of the Sherman Act." Mr. Wickersham upheld the decision of the Supreme Court of the United States in the Standard Oil Co. Case and in the American Tobacco Co. case. A. B. Eldredge, of Marquette, read a paper on "Matters in Which the Discretion of the Trial Court Should be Final." T. A. E. Weadock, of Detroit, read a paper entitled "Taxable Costs." Jerome C. Knowlton, of Ann Arbor, read a paper on "Admission to the Bar in Michigan."

The Committee on Legislation and Law Reform reported that it had presented to the legislature, for enactment into law, bills upon the following subjects: (1) An Employers' Liability Act; (2) An Act for the Reorganization of the Judicial Circuits of the State; (3) An Act to Change the requirements for Admission to the Bar; (4) An Act to Change the Law Relative to the Allowance of Appeals in Will Contests; (5) An Act to Restrict the Right of a Probate Judge to Prepare Papers in Proceedings Before Himself; (6) An Act Making it a Criminal Offense for any Person to Represent Himself as an Attorney Who is not Legally Admitted to Practice. The committee, however, succeeded in having enacted into law only the bills above numbered as four and six.

The Committee on Legal Education and Admission to the Bar

recommended that all graduates of law schools should be admitted to the Bar only after having passed the examination before the State Board of Law Examiners. A resolution was adopted by the Association, favoring the repeal by the next legislature of the existing law admitting to the Bar graduates of the University of Michigan and the Detroit College of Law, upon their diplomas, and favoring the enactment of a law requiring all applicants for such position to take the examination now provided for before the State Board of Law Examiners.

The committee on the matter of securing the legislation necessary to establish a commission to recommend the codification of certain laws, reported the form of a bill for such purpose.

The Association adopted a resolution favoring the erection of a building or wing to the present capitol which would provide more commodious quarters for our Supreme Court.

The Association voted to hold its next meeting at Saginaw, in the summer of 1912.

MINNESOTA STATE BAR ASSOCIATION.

The eleventh annual meeting of the Minnesota State Bar Association was held at the rooms of the Commercial Club, in the city of Duluth, on July 18, 19 and 20, 1911.

The President's address was delivered by James D. Shearer, of Minneapolis, and consisted of an exhaustive and interesting discussion and resume of "The Trend of Modern Legislation."

The annual address was delivered by George W. Wickersham, the Attorney-General of the United States, who took for his subject "What Further Regulation of Interstate Commerce is Necessary or Desirable?"

Committee reports were submitted on the subjects of "Judicial Elections," "Employees' Compensation for Injuries," and the question of an increase in the number of Justices of the Supreme Court of the State. The Association voted to continue its activities along each of these lines.

H. V. Mercer, the Chairman of the Employees' Compensation Commission of Minnesota, and a member of the Association,

delivered an exhaustive address and report upon the subject with which the Commission has been concerned.

James Manahan, of St. Paul, and John Jenswold, Jr., of Duluth, read papers on the subject of "The Recall of Judges," which were favorable thereto, and Rome G. Brown, of Minneapolis, spoke in opposition to the Recall.

J. B. Cotton, of Duluth, and Mr. Pierce Butler, of St. Paul, read papers in discussion of the decisions of the Supreme Court of the United States in the Standard Oil and Tobacco Cases.

E. S. Durment, of St. Paul, presented a paper on "The Conflict Between Federal and State Control of Railway Rates."

In every respect the meeting was the most successful in the history of the Association.

MISSISSIPPI STATE BAR ASSOCIATION.

The sixth annual meeting of the Mississippi State Bar Association was held at Hattiesburg, Mississippi, on May 2, 3 and 4, 1911. The opening address was delivered by President W. H. Powell, in which he called attention to the noteworthy changes of the law, state and national, during the past year.

The annual address was delivered by James Weatherly, of Birmingham, Alabama, his subject being "The Drift of Representative Democracy."

Legislation making various changes in the criminal law was proposed and endorsed by the Association, among them being that there be a jury commission of three in each county, to be appointed by the Chancellor of the district; that, instead of a change of venue to be granted to a defendant, a venire run to other counties, in the discretion of the court, the trial to be had in the county where the indictment was returned; that witnesses in the investigation of violations of the law of bribery be compelled to testify, though their testimony should incriminate them, such witnesses being thereafter exempt from prosecution on account of the transaction about which they testified; that the defense of insanity be not allowed except upon a special plea in writing, and in event the defendant should be found

not guilty on the ground of insanity that the jury so certify, whereupon the court shall by its judgment order him to be confined in the insane hospital for the same term that he could have been confined in the penitentiary, had he been convicted of the crime charged; that a stenographer be allowed in the grand-jury room; that only one charge on the reasonable doubt and presumption of innocence be given and prescribing in the form thereof; that Circuit Courts, for the trial of criminal cases, be considered as continuously in session, so that upon the commission of a crime the circuit judge may at once order the summoning of a grand and petit jury and proceed with the trial of the party charged with the commission thereof; that wife and husband be permitted to testify against each other, except as to confidential communications.

A committee of three was appointed to report to the next meeting of the Association the advisability of adopting the Code of Ethics of the American Bar Association in lieu of the Association's present code.

S. E. Travis, of Hattiesburg, read a paper on Uniform Legislation by the States.

MISSOURI BAR ASSOCIATION.

No report has been received.

MONTANA BAR ASSOCIATION.

No report has been received.

NEBRASKA STATE BAR ASSOCIATION.

The eleventh annual meeting of the Nebraska State Bar Association was held in the city of Omaha, on the 27th and 28th days of December, 1910. The President's address was delivered by Mr. Charles G. Ryan. B. F. Good read a paper on "Needed Legislation and the Way to Obtain It." George Whitelock, of Baltimore, Maryland, Secretary of the American Bar Association, delivered an address entitled "Precedents in Ex-Presidents." Lynn Helm, of Los Angeles, California, President of

the California State Bar Association, delivered an address entitled "Nationalism, a Study of the American Union." The report of the Committee on Legislation, recommending the simplification of the procedure for perfecting appeals to the Supreme Court was endorsed. Myron L. Learned, of the Omaha Bar, was recommended to the President of the United States for appointment as Judge of the United States Circuit Court of Appeals for the Eighth Circuit, to fill the vacancy caused by the appointment of Judge Van Devanter to the Supreme Court of the United States.

NEVADA STATE BAR ASSOCIATION.

No report has been received.

BAR ASSOCIATION OF THE STATE OF NEW HAMPSHIRE.

There was no meeting of the Bar Association of the State of New Hampshire during the year 1911.

NEW JERSEY STATE BAR ASSOCIATION.

The thirteenth annual meeting of the New Jersey State Bar Association was held at the Hotel Chelsea, Atlantic City, N. J., on June 16 and 17, 1911.

Woodrow Wilson, Governor of the State of New Jersey, delivered an address urging the lawyers to be more progressive and to take a more active part in public matters in the interests of the people.

James Pennewill, Chief Justice of Delaware, delivered an address upon "The Spirit of the Times."

Reuben O. Moon, Congressman from Pennsylvania, addressed the Association upon "The Revision of the Federal Judiciary Laws."

A resolution that a committee be appointed to advocate the calling of a Constitutional Convention to thoroughly revise the State Constitution provoked considerable discussion, but was laid on the table.

The Association appointed a committee to secure a reduction in the rates of legal advertising.

A committee was appointed to investigate and report a method by which the administration of justice in the state might be improved.

The meeting was the largest and most interesting one ever held by the Association.

NEW MEXICO BAR ASSOCIATION.

The twenty-sixth annual session of the New Mexico Bar Association was held at Albuquerque, August 28, 29 and 30, 1911.

M. E. Hickey, President of the Bernalillo County Bar, delivered the address of welcome, to which J. M. Hervey, of Roswell, responded on behalf of the Association.

Attorney-General Frank W. Clancy delivered an address treating of the need of action on the part of the Bar Association to secure reform legislation upon matters of vital importance. He referred especially to a corrupt practices act; the removal of the judiciary from the influence of ordinary practical politics; regulation of elections, registration of voters, primaries, etc.; an act tending to equalize taxes and an investigation of the feasibility of a central assessment board; an act tending to remedy the defects in the criminal and civil procedure, and an act simplifying the appellate procedure. The last two subjects were referred to the Committee on Law Revision, and the preceding subjects were referred to the Committee on Legal Reform, with instructions to report at the special meeting held before the next legislature.

J. A. Miller, of Albuquerque, delivered an address on the subject of "The Lawyer in Politics"; Judge E. A. Mann delivered an address on "The Rule of Reason in the Standard Oil Decision," and Ralph C. Ely, of Deming, delivered an address on "The Lawyer and the Making of a State."

J. M. Harvey, of Roswell, delivered an address on the subject of "Uniform State Laws," in which he gave a history of the progress of uniform legislation. He referred to the passage by

our legislature of the Uniform Negotiable Instruments Act and the Warehouse Receipts Laws, and urged the taking of some action by the Association to present the Sales Act, Transfer of Stock Act, Bills of Lading Act, Act for Workingmen's Compensation for Industrial Accidents, and Child Labor Law to the next legislature, with recommendations for passage. The Association instructed the Secretary to procure copies of the Uniform Acts suggested, and distribute them among the members. The proposition of presenting these uniform laws to the legislature was referred to the Committee on Law Revision.

One of the most important actions taken by the Association was the appointment of a committee on Law Revision, consisting of twenty-one members, to examine the work of the Committee of Five appointed by the legislature to codify our laws. This committee was instructed to present a complete report, recommending such changes as they deemed advisable, at the meeting of the Association to be held in Santa Fe, at the call of the President, before the meeting of the next legislature.

On Monday evening the members of the Association and ladies were the guests of the Bernalillo County Bar Association at a reception and dance at the Commercial Club, and on Tuesday evening occurred the annual banquet at the Alvarado Hotel.

NEW YORK STATE BAR ASSOCIATION.

The thirty-fourth annual meeting of the New York State Bar Association was held at Syracuse, January 19 and 20, 1911.

Elihu Root, of New York, President of the Association, delivered an address on "Reform of Procedure."

The annual address was delivered by Hon. George W. Wickersham, of New York, on "Concerning Certain Essentials of Republican Government."

The report of the Committee on Law Reform for 1910 contained a brief summary of the work done in conjunction with the Committee on Law Reform of the Association of the Bar of the City of New York, to secure the simplification of the New York procedure.

The Committee further recommended for the approval of the Association a proposed amendment to Article XIV of the Constitution, which provides for amendments by two successive legislatures and the approval of the people "by a majority of the electors voting thereon." The proposed amendment is that the Constitution shall read: "By a majority of the electors voting thereon provided that such majority of votes shall equal or exceed the majority of votes received by a state officer who shall receive the highest number of votes at the same election."

The Committee on Salaries of Federal Judges reported that on April 5, 1910, its Chairman, Mr. William B. Hornblower, attended a hearing before the Judiciary Committee of the House of Representatives in Washington and urged the passage of the Moon Bill. The committee reiterated its views that the salaries of circuit and district judges were grossly inadequate, and that the amounts named in the Moon Bill as originally introduced are the minimum figures that should be fixed for the compensation of federal, circuit and district judges. The report of the committee was adopted and the following telegram was then sent signed by President Root to President Taft, Vice-President Sherman and Speaker Cannon: "The New York State Bar Association, in annual convention in the city of Syracuse, earnestly and pursuant to unanimous resolution petitions and urges that the salaries of the judges of the federal courts may be increased to the just and reasonable amounts proposed by Mr. Moon, of Pennsylvania. The present salaries are both inadequate for the suitable support of those exercising the judicial office, which excludes the propriety of other gainful occupation and insufficient compensation for the service to which they devote their lives and sacrifice their professional opportunities."

The Committee on Proposed Legislation Amending the Practice in Surrogate's Court reported the completion of its labors, and the passage of several important measures embodied in the laws of 1910.

The Committee on Corporation Law presented with its report a bill to amend Article 2 of the Stock Corporation Law in relation to corporations having shares of capital stock without

nominal or par value. This bill had been passed by the legislature of 1909, but failed to receive the signature of Governor Hughes, not because of any opposition to the principle of the bill, but because of certain technical defects by reason of an inaccurate reference.

The report of the committee was adopted and the committee authorized to introduce an amended bill and to proceed in its support.

The subject of placing the names of candidates for judicial office in a separate place on the official ballot was referred to a special committee, with power to urge the passage of a pending bill on that subject.

The Committee on Arrest and Imprisonment in Civil Actions again presented a careful and exhaustive report, together with a bill embodying its recommendations on the subject, which was adopted and the committee instructed to urge the passage of the bill framed by it.

The Committee to Consider the Administration of the Bankruptcy Act Concerning the Appointment of Receivers reported that it had appeared at Washington in support of the Sherley Bill; that the work of the committee aided in the passage of the Sherley Bill and was instrumental in securing an amendment of the Rules in Bankruptcy in the Southern District of New York.

In its report the Committee on Contingent Fees recommended the calling of a conference of representatives of all local and county Bar associations in the state to determine the best means to be taken, whether by legislation or rule of court, to lessen the abuses of the contingent fee. The report and recommendation were adopted.

In an exhaustive report the Committee on International Arbitration reviewed the work done by the Association in the cause of international arbitration and presented three subjects to which it invited the attention of the Association and of the trustees of the Carnegie fund, viz.: the neutralization of the Panama Canal, the limitation of armaments and unlimited treaties of arbitration. The report was adopted and copies of it ordered

sent to President Taft, the Secretary of State, to Senators of the State of New York, to Mr. Carnegie, and to the trustees of the Carnegie fund.

The Report of the Committee on the Commitment and Discharge of Insane Criminals submitted for discussion the replacement of Section 20 of the Penal Code by a section to be drafted along the following lines:

If upon the trial of any person accused of any offense it appears to the jury upon the evidence that such person did the act charged, but was at the time insane, so as not to be responsible for his actions, the jury shall return a special verdict, "guilty, but insane," and thereupon the court shall sentence such person to confinement in a state asylum for the criminal insane for such term as he would have had to serve in prison, but for the finding of insanity; and if upon the expiration of such term it shall appear to the court that such person is still insane, his confinement in such asylum shall continue during his insanity; and further, when such a verdict of "guilty, but insane," is returned in a case where the penalty for the verdict of guilty against a sane person is death, such sentence for the insane person thus found guilty shall be for life; and in all such cases the governor shall have the power of pardon after such inquiry, as he may see fit to institute, upon the question whether it will be safe to the public to allow such person to go at large.

The committee recommended the distribution of the report among private and public insane institutions throughout the state and elsewhere and among other organizations interested in such questions, and requested an expression of views as to whether insane persons should be made amenable to the criminal law and that the committee report the result of such inquiries at the next annual meeting. The report and recommendations were adopted.

A very complete report was presented by the Committee on the Registration of Titles under the Torrens System appointed to consider the question of amendments to the existing law in order to add to efficiency of the law.

The Association again approved the Act to Regulate the Introduction of Medical Expert Testimony proposed by its

committee and the committee was authorized to urge its passage.

Only two papers were read before the Association and both were of unusual interest and were widely commented upon in the press of the state. One was a paper by Adelbert Moot, of Buffalo, on "How Can We Improve Our Courts?" and the other "The Reform of the Procedure in the Courts of the State of New York," by Adolph J. Rodenbeck, of Rochester, Chairman of the Board of Statutory Consolidation. In his paper Judge Rodenbeck reviewed the history of a quarter of a century of work of the Association to secure a reformation of the practice in the courts of the state as embodied in the Code of Civil Procedure, outlined the plans for code revision of the several commissions, joint legislative committees and other committees, and submitted a plan for the achievement of the long sought reform. Five thousand copies of the paper were ordered distributed, and a committee appointed consisting of Judge Rodenbeck, of Rochester; William B. Hornblower, John G. Milburn, Charles A. Collier, of New York City, and Adelbert Moot, of Buffalo, to consider and report on the recommendations made.

The annual dinner was held on the evening of January 20, 1911, at the Onondaga Hotel, Syracuse.

The next meeting will be held in New York City in January, 1912.

NORTH CAROLINA BAR ASSOCIATION.

The thirteenth annual meeting of the North Carolina Bar Association was held at Toxaway Inn, Lake Toxaway, June 28, 29 and 30, 1911.

Charles W. Tillett, President of the Association, delivered an address on "The Delays of the Law—Who Are Responsible for Them."

Addresses were delivered by Thomas M. Pittman, of Henderson, upon "The Torrens Land Title System," and by James S. Manning, of Durham, entitled "Is There Need for a Constitutional Convention in This State?" Both of these addresses were of great interest to the members of the Bar of the state.

There was much discussion upon the report of the Committee

on Legislation and Law Reform upon the subject of court procedure and reform and re-districting of the state, and of increasing the number of judges from sixteen to twenty-four. A special committee was appointed for the purpose of drafting a bill to be submitted to the next meeting upon this question. A special committee was appointed to investigate and report as to the feasibility or advisability of adopting the Torrens Land Title System.

BAR ASSOCIATION OF NORTH DAKOTA.

The twelfth annual meeting of the Bar Association of North Dakota was held at Wahpeton, on the 5th and 6th of September, 1911.

The retiring President, Dean A. A. Bruce, of the Law School of the University of North Dakota, delivered an address on "The Courts and Judicial Legislation." He traced the history of the development of the courts of England and America, and their attitude toward legislative acts that have been brought before them. It was a scholarly address, and one that should be read in full to be appreciated.

The annual address was delivered by Judge Orrin N. Carter, Chief Justice of the Supreme Court of Illinois, his subject being "Courts of Last Resort." Judge Carter gave an intimate view of the workings of courts of last resort, describing the processes by which opinions are arrived at, and showing the careful consideration given to every phase of a case that has been submitted.

The report of the Committee on Jurisprudence and Law Reform, with reference to a change in the method of nominating candidates for judicial positions, was considered at a special meeting of the Association held at Bismarck in January. The changes proposed by the committee were not, however, adopted by the Association.

Two important resolutions were introduced, one with reference to changing the method of appeal and the other to the proposed amendment to the state Constitution providing for the re-

call of judges. Both resolutions were debated freely, and action on them was deferred till the next annual meeting.

There being no session of the legislature this year, no new legislation was proposed.

OHIO STATE BAR ASSOCIATION.

The annual meeting was held at Cedar Point on July 11, 12 and 13, 1911. The meeting was called to order by the Chairman of the Executive Committee, Harlan F. Burket. The President, Allen Andrews, delivered his annual address, which called attention to the need to examine very carefully all proposed reforms before adopting them.

The annual address for the year was delivered by the Hon. Samuel W. McCall, of Massachusetts, on the subject of "Representative as Against Direct Government." The other addresses delivered were "Liability Legislation, Its Purpose and Methods of Enforcement," by James Harrington Boyd, of Toledo; "The Reclamation of the Arid West, with (a Little of) the Law Under Which it Proceeds," by Stanley E. Bowdle, of Cincinnati. This lecture was beautifully illustrated by colored stereopticon slides, belonging to the National Government and loaned by The Department of the Interior.

A beautiful memorial address was delivered by the Hon. William Z. Davis on the life of the late Hon. William H. West.

OKLAHOMA STATE BAR ASSOCIATION.

The Oklahoma State Bar Association held its fourth annual meeting at Oklahoma City, December 28, 29, 1910. The President, T. J. Womack, of Alva, delivered an address reviewing state legislation for the preceding year. The annual address was delivered by former Chief Justice Frank Doster, of Topeka, Kansas. Judge Doster's subject was, "The Constitution and the Courts." The address was a scholarly review of the debates of the convention of 1787 upon the question of the power of the courts to declare unconstitutional an act of Congress, and the subsequent decisions upon the subject.

The report of the Committee on the Uniformity of Laws was one far-reaching in its ultimate results. Attached to this report was a paper, prepared by Associate Justice Jesse J. Dunn, of the Supreme Court of Oklahoma, upon the subject of a permanent, uniform interstate commission on uniformity of laws. Judge Dunn's paper discusses the question at considerable length.

Papers read were the following: "Control of Public Service Corporations," S. T. Bledsoe, Oklahoma City; "Harmless Error," Judge Stillwell H. Russell, Ardmore, "The Employer's Liability to the Employee," Duke Stone, Ada; "Commission Form of Government," J. H. Everest, Oklahoma City.

Considerable discussion was evoked by a resolution recommending an increase of Justices of the Supreme Court from five to seven, the resolution being adopted. The legislature, however, instead of increasing the Justices, created a Supreme Court Commission of six members. A law school building at the state university was recommended. This is being constructed.

Officers elected for the ensuing year, 1911, include John H. Burford, Guthrie, President; Clinton O. Bunn, Oklahoma City (re-elected), Secretary; C. H. Ennis, Shawnee (re-elected), Treasurer.

Another matter of considerable interest was the passage of a law by the Legislature, creating a commission on uniformity of laws, making an appropriation for actual expenses. The commission consists of R. E. Jackson, Sallisaw; D. A. McDougal, Sapulpa; Clinton O. Bunn, Oklahoma City.

OREGON STATE BAR ASSOCIATION.

No report has been received.

THE PENNSYLVANIA BAR ASSOCIATION.

The seventeenth annual meeting of the Pennsylvania Bar Association was held at Bedford Springs, Pennsylvania, June 27, 28 and 29, 1911. The President, Edwin W. Smith, delivered his address on "Law and the Function of Legislation."

The annual address was delivered by ex-Governor Andrew J. Montague, of Virginia, on "A More Efficient Cabinet." Inter-

esting reports were received from Committees on Law Reform, Legal Education, Legal Biography and Uniform State Laws, and from the Special Committees on Constitution of Courts in Pennsylvania, digesting Statutes and Revision and Unification of Statutes. Interesting papers were read by Robert Ralston, of Philadelphia, on "The Delay in the Execution of Murderers," and by John Marshall Gest, of Philadelphia, on "The Law and Lawyers of Balzac."

George R. Bedford, of Luzerne, was elected President for the next year.

RHODE ISLAND BAR ASSOCIATION.

The thirteenth annual meeting of the Rhode Island Bar Association was held in Providence on December 5, 1910.

The report of the Treasurer was read and accepted. The following officers of the Association for the ensuing year were then elected: President, Albert A. Baker; Vice-Presidents, Cyrus M. Van Slyck, William P. Sheffield, Jr.; Secretary, Howard B. Gorham; Treasurer, James A. Pirce.

On motion of Edward D. Bassett the Executive Committee was directed to apply to the legislature for an appropriation to provide better accommodations for the Bar in the Court House. This motion was referred to the Executive Committee.

The following resolution was adopted:

"Resolved, That this Association cordially approves of and earnestly advocates the passage by the Congress of the United States of the measure now pending therein known as H. R. 22075, introduced by Mr. Moon, of Pennsylvania, providing for the increase of salaries of the Chief Justice and Associate Justices of the Supreme Court of the United States and the Federal Circuit and District Judges.

"Resolved, That the action of the Association in this behalf be communicated to the Rhode Island Senators and Representatives in Congress with a request that they co-operate in securing the enactment of said measure, and

"Resolved, That the action of the Association be also communicated to the Committee on the Judiciary of the United States Senate and the like committee of the House of Representatives."

After the dinner the President introduced as the speakers of the evening Hampton L. Carson, of Philadelphia, who spoke on "The Interest and Value of a Study of Legal Biography," and Martin W. Littleton, Representative in Congress from New York.

SOUTH CAROLINA BAR ASSOCIATION.

The eighteenth annual meeting of the South Carolina Bar Association was held in the Hall of the House of Representatives, Columbia, January 26 and 27, 1911. The President's address was delivered by General M. L. Bonham, entitled "The Attitude of Lawyers to Public Affairs." The annual address was delivered by E. W. Saunders, entitled "The Relation of Liquor to Interstate Commerce and the Power of Congress to Control It." F. Horton Colcock delivered an address entitled "Modern Jury."

The following officers for 1911-12 were elected: President, Patrick Henry Nelson, Columbia; Secretary, Edward L. Craig, Columbia; Treasurer, R. E. Carwile, Columbia.

SOUTH DAKOTA BAR ASSOCIATION.

The twelfth annual meeting of the South Dakota Bar Association was held at Pierre, South Dakota, January 11 and 12, 1911. The President's address was delivered by Carl G. Sherwood, of Clark. It was devoted chiefly to a consideration of some of the legislations enacted at the 1909 session of the legislature. The annual address was delivered by Charles S. Whiting, of DeSmet, one of the Justices of the Supreme Court of South Dakota, upon "The Lawyer as a Citizen." Papers were read before the Association by James Brown, of Chamberlain, on "The Laggard Science," and by Henry A. Muller, of Sioux Falls, one of the referees in bankruptcy in South Dakota, upon "The Practice Under and the Effect of the Federal Bankruptcy Law in South Dakota."

BAR ASSOCIATION OF TENNESSEE.

The thirtieth annual meeting of the Bar Association of Tennessee was held May 24, 25 and 26, 1911, at Hotel Hermitage,

Nashville, Tennessee. The President's address was delivered by President Percy D. Maddin, of Nashville, Tennessee, and, in accordance with the requirements of the Constitution, treated of important legislation enacted by the state legislature and the Congress since the last meeting. The address also recommended an amendment to the Constitution so as to provide for a Committee on Constitutional Amendments and a Committee on Legislation, and also to provide for a continuity in the management of the Association's work by increasing the number of the standing committees from five to nine members, three of whom shall be appointed for three years, three for two years and three for one year. The Constitution was so amended during the meeting.

The annual address was delivered by Frederick N. Judson, of St. Louis, Mo., who treated of "The Future of Jurisprudence in the United States." A most interesting, instructive and valuable paper on "The Land Laws of Tennessee" was read by L. D. Smith, of Knoxville, Tennessee, the discussion of which, by the members of the Association, occupied the entire afternoon session of the first day of the meeting.

Other papers of equal interest were read as follows: "Needed Constitutional Amendments," by Judge D. L. Lansden, of the Supreme Court of Tennessee; "Porto Rico and Porto Ricans," by Judge John W. Judd, of Nashville; "Penal Reform," by James H. Malone, of Memphis; "Some Lawyers of East Tennessee, Who are Being Forgotten," by Col. Wm. A. Henderson, of Knoxville.

TEXAS BAR ASSOCIATION.

The thirtieth annual meeting of the Texas Bar Association was held in the city of Waco, on July 4-5, 1911. The President of the Association, Hiram Glass, of Austin, delivered his address, reviewing laws enacted by the recent legislatures. Martin W. Littleton, of New York City, delivered the annual address upon "Structural and Economic Changes." The following papers were read: "Judicial Reform in Texas," by Wm. Hodges, of Texarkana; "Some Results of Holding the Legal Intellect in

Mortmain," by H. N. Atkinson, of Houston, and "A Sketch of John Marshall," by Ben B. Kendall, of Waco.

The Chairmen of the various committees read their reports to the Association. The Association authorized the President to appoint a special committee of nine members on Judicial Reform, and to take up especially the matter of giving relief to the crowded docket of the Supreme Court. The Waco Bar entertained with an elaborate banquet in honor of the Association at the Huaco Club, and Allan D. Sanford, of Waco, presided as toastmaster.

STATE BAR ASSOCIATION OF UTAH.

The thirteenth annual meeting of the State Bar Association of Utah was held in the Federal Court Room in Salt Lake City, April 9, 1911. The President's address was delivered by President Charles Baldwin, dealing chiefly with the ethics of the profession. He urged upon the members of the Bar a strict adherence to the rules laid down in the Canon of Ethics adopted by the American Bar Association. J. W. N. Whitecotton, of Provo, Utah, read a paper entitled "Evaporating a Constitution," and Mr. M. E. Wilson, of Salt Lake City, Utah, read a paper entitled "Utah's Ninth Legislature." The officers of the Association for the ensuing year were elected at this meeting.

VERMONT BAR ASSOCIATION.

No report has been received.

VIRGINIA STATE BAR ASSOCIATION.

The twenty-third annual meeting of the Virginia State Bar Association was held on August 8 to 10, 1911, at the Homestead Hotel, Hot Springs, Virginia.

The President, Judge George L. Christian, of Richmond, presided, and delivered an interesting and instructive address upon "Roger Brooke Taney," former Chief Justice of the United States Supreme Court. "Progress Towards a Permanent

International Court," was the title of the annual address delivered by Helm Bruce, of Kentucky. The subject was treated historically and is a valuable contribution to the literature of the world-wide Peace Movement.

The more important matters disposed of at this meeting were:

The appropriation of one thousand (\$1000.00) dollars to the Association for the Preservation of Virginia Antiquities to aid in the preservation of the former home of Chief Justice Marshall in Richmond.

Authorizing the placing of the reports of the Bar Associations of other states received as exchanges in the State Library, where they would be more accessible than in the office of the Secretary.

Authorizing the Executive Committee to take action looking to an organization of a Bar Association of the several states constituting this the Third United States Judicial Circuit.

Recommendation for passage by the legislature of a bill Regulating the Introduction of Expert Testimony.

Recommendation for passage by the legislature of a bill giving to the commonwealth in criminal cases at least two peremptory challenges to the jury panel.

The following papers were read at the meeting by members of the Association:

Professor R. C. Minor, of the Law Department of the University of Virginia, read a most interesting and instructive paper entitled "Centralization *versus* Decentralization." The author contended that the tendency towards infringement of the powers and privileges of the states by the Federal Government was very dangerous, and was due in a large measure to the superior efficiency and energy of the Federal Government. He showed that the Federal Government was based upon, and had constantly pursued, a policy of *centralization* of authority and responsibility, while the state governments were based upon a policy of *decentralization*. The result was the ever-increasing strength of the Federal Government and the ever-weakening power of that of the states. As a remedy for the encroachment of the

Federal Government upon the rights of the state the author suggests the centralization of the governmental powers of the state, using Virginia as an example of how this result may be accomplished.

Judge A. W. Wallace, of Fredericksburg, Va., read an interesting paper entitled "Life and Character of Lord Brougham," and Walter H. Taylor, of Norfolk, Va., read a paper entitled "Abolition of Jury Trials in Civil Cases," which created considerable discussion. Mr. Taylor advocated the substitution in civil cases of trial by three judges instead of by jury.

WASHINGTON STATE BAR ASSOCIATION.

The Washington State Bar Association met in twenty-third annual convention in the city of Spokane, July 27, 28 and 29. The President's address was delivered by C. W. Howard, the retiring President, and covered a general review of legislation, discussing the general trend of recent legislation and generally the inconsistency, unreliability and impracticability of many of the so-called political reforms.

Other addresses were made by Frank S. Dietrich, United States District Judge for Idaho, the subject being "Facts in the Case," discussing largely the prevalence of perjury and the trial of causes. Russell L. Dunn, of San Francisco, delivered an address on "Ownership of Land by the Federal Government in the States Whether as Sovereign or Proprietor." T. L. Walsh, of Helena, Montana, discussed the "Recall of Judges," and Stephen J. Chadwick "The Delays of Courts"; while Fred H. Peterson, of Seattle, gave an interesting review of the Courts of Germany, and W. T. Dovell gave a beautiful eulogy to the late Edward Whitson, who was United States District Judge for the eastern district of Washington. The Association was welcomed to Spokane by an address from Lester P. Edge, President of the Spokane Bar Association, which was responded to by F. V. Brown, of Seattle, formerly President of the Minnesota State Bar Association.

WEST VIRGINIA BAR ASSOCIATION.

The twenty-seventh annual meeting of the West Virginia Bar Association was held at White Sulphur Springs Hotel, July 12 and 13, 1911.

W. W. Hughes, of Welch, W. Va., delivered the annual address entitled "The Spirit of the Times—Its Effect on Law." Judge B. F. Keller delivered an address entitled "The Judicial Code." A paper was read by Judge W. N. Miller entitled "Is There Need of Additional Judges for the Supreme Court of Appeals?" S. W. Walker, of Martinsburg, read a paper entitled "The Law's Delay and its Remedies."

The following officers were elected for the ensuing year: President, Judge Benjamin F. Keller, Charleston; Secretary, Charles McCamic, Wheeling; Treasurer, C. A. Kreps, Parkersburg.

STATE BAR ASSOCIATION OF WISCONSIN.

No report has been received.

STATE BAR ASSOCIATION OF WYOMING.

No report has been received.

LIST OF BAR ASSOCIATIONS IN THE UNITED STATES

NOTE.—This list has been compiled by the Secretary of the American Bar Association from replies to circulars sent out. While pains have been taken to make it as complete as possible, it is probable that some Associations have been omitted. All Associations which are purely Library Associations are intended to be omitted. Where replies to the circulars have not been received, and the Officers for 1910 are not known, the officers for former years are given.

The Secretary acknowledges the courtesy of the Secretaries of various State Bar Associations in supplying the information as to local associations in their respective states.

The Secretary will be much indebted for information of any omissions and for corrections of the names of officers.

ALABAMA.

NAME.	PRESIDENT.	SECRETARY.
Alabama State Bar Association.	John Pelham, Anniston.	Alexander Troy, Montgomery.
BIRMINGHAM BAR ASSOCIATION.	A. C. Howe, Birmingham.	F. I. Monks, Birmingham.
CALHOUN COUNTY BAR ASSOCIATION.	A. P. Agee, Anniston.	Charles D. Kline, Anniston.
MOBILE BAR ASSOCIATION.	J. Gaillard Hamilton, Mobile.	Jesse F. Hogan, Mobile.

ARIZONA TERRITORY.

Arizona Bar Association.	F. S. Nave, Globe.	Paul Burks, Prescott.
NORTHERN ARIZONA BAR ASSOCIATION.	Henry D. Ross, Prescott.	H. H. Linney, Prescott.

ARKANSAS.

Bar Association of Arkansas.	Ashley Cockrill, Little Rock.	Roscoe R. Lynn, Little Rock.
FORT SMITH BAR ASSOCIATION.	James F. Read, Fort Smith.	Lovick P. Miles, Fort Smith.
LEE COUNTY BAR ASSOCIATION.	P. D. McCulloch, Marianna.	C. E. Daggett, Marianna.
LITTLE ROCK BAR ASSOCIATION.	John Fletcher, Little Rock.	Roscoe R. Lynn, Little Rock.

DISTRICT OF COLUMBIA.

NAME.	PRESIDENT.	SECRETARY.
Bar Association of the District of Columbia.	Nathaniel Wilson, Washington.	H. Prescott Gatley, Washington.
PATENT LAW ASSOCIATION OF WASHINGTON.	William W. Dodge, Washington.	E. G. Mason, Washington.

FLORIDA.

Florida State Bar Association.	William A. Blount, Pensacola.	George C. Gibbs, Jacksonville.
HILLSBOROUGH COUNTY BAR ASSOCIATION.	M. G. Gibbons, Tampa.	M. Henry Cohen, Tampa.
JACKSONVILLE BAR ASSOCIATION.	Chas. P. Cooper, Jacksonville.	Lucien H. Boggs, Jacksonville.
KEY WEST BAR ASSOCIATION.	J. S. H. Phipps, Key West.	Julius Otto, Key West.
MANATEE COUNTY BAR ASSOCIATION.	J. Hamilton Gillespie, Sarasota.	O. K. Reaves, Bradentown.
MARIANNA BAR ASSOCIATION.	B. S. Liddon, Marianna.	Edwin R. Blow, Marianna.
THIRD CIRCUIT BAR ASSOCIATION.	Charles E. Davis, Madison.	A. B. Small, Lake City.

GEORGIA.

Georgia Bar Association.	J. M. Cunningham, Jr., Savannah.	Orville A. Park, Macon.
ALBANY CIRCUIT BAR ASSOCIATION.	Eugene A. Cox, Camilla.	R. G. Hartsfield, Bainbridge.
AMERICUS BAR ASSOCIATION.	J. E. Sheppard, Americus.	Hollis Fort, Americus.
BAR ASSOCIATION OF ASHBURN.	Jno. B. Hutcheson, Ashburn.	Edwin A. Rogers, Ashburn.
ATLANTA BAR ASSOCIATION.	Eugene M. Mitchell, Atlanta.	Jesse M. Wood, Atlanta.
AUGUSTA BAR ASSOCIATION.	J. C. C. Black, Augusta.	Geo. T. Jackson, Augusta.
BAINBRIDGE BAR ASSOCIATION.	Jno. E. Donaldson, Bainbridge.	R. G. Hartsfield, Bainbridge.
BRUNSWICK BAR ASSOCIATION.	C. P. Goodyear, Brunswick.	D. W. Krauss, Brunswick.
BAR ASSOCIATION OF BULLOCH COUNTY.	G. S. Johnston, Statesboro.	Howell Cone, Statesboro.
CALHOUN COUNTY BAR ASSOCIATION.	J. J. Beck, Morgan.	J. L. Boynton, Dickie.

GEORGIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
COLUMBUS BAR ASSOCIATION.	H. R. Goetchius, Columbus.	H. C. McCutchen, Columbus.
CRISP COUNTY BAR ASSOCIATION.	E. F. Strozier, Cordele.	Walter F. Hall, Cordele.
DUBLIN BAR ASSOCIATION.	J. E. Burch, Dublin.	Roger D. Flynt, Dublin.
EARLY COUNTY BAR ASSOCIATION.	W. A. Jordan, Blakely.	J. R. Pottle, Blakely.
GREENE COUNTY BAR ASSOCIATION.	Geo. A. Merritt, Greensboro.	F. B. Shipp, Greensboro.
BAR ASSOCIATION OF THE CITY OF MACON.	John P. Ross, Macon.	M. P. Callaway, Macon.
MOULTRIE BAR ASSOCIATION.	Robt. L. Shipp, Moultrie.	Edwin L. Bryan, Moultrie.
MT. VERNON BAR ASSOCIATION.	Wm. B. Kent, Mt. Vernon.	(Vacant.)
PULASKI COUNTY BAR ASSOCIATION.	H. E. Coates, Hawkinsville.	L. A. Whipple, Hawkinsville.
SAVANNAH BAR ASSOCIATION.	H. C. Cunningham, Savannah.	T. G. Bassinger, Savannah.
SPALDING COUNTY BAR ASSOCIATION.	L. Cleveland, Griffin.	Wm. H. Beck, Griffin.
TATTNALL COUNTY BAR ASSOCIATION.	Isalah Beasley, Reidsville.	H. C. Beasley, Reidsville.
TERRELL COUNTY BAR ASSOCIATION.	J. G. Parks, Dawson.	W. H. Gurr, Dawson.
TROUP COUNTY BAR ASSOCIATION.	Frank Harwell, La Grange.	E. A. Jones, La Grange.

HAWAII TERRITORY.

Bar Association of the Hawaiian Islands.	David L. Withington, Honolulu.	Lyle A. Dickey, Honolulu.
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IDAHO.

Idaho State Bar Association.	Frank Martin, Boise.	Benjamin S. Crow, Boise.
ADA COUNTY BAR ASSOCIATION.	Jesse B. Hawley, Boise.	Charles M. Kahn, Boise.

ILLINOIS.

NAME.	PRESIDENT.	SECRETARY.
Illinois State Bar Association.	Horace K. Tenney, Chicago.	John F. Voigt, Mattoon.
ADAMS COUNTY BAR ASSOCIATION.	Joseph N. Carter, Quincy.	Walter H. Bennett, Quincy.
BENTON BAR ASSOCIATION.	W. F. Spiller, Benton.	G. A. Hickman, Benton.
BOND COUNTY BAR ASSOCIATION.	William H. Dawdy, Greenville.	W. H. Hubbard, Greenville.
BOONE COUNTY BAR ASSOCIATION.	Wm. C. De Wolf, Belvidere.	Rich. V. Carpenter, Belvidere.
CHAMPAIGN COUNTY BAR ASSOCIATION.	Frank H. Boggs, Urbana.	Ashton Campbell, Champaign.
CHICAGO BAR ASSOCIATION.	Edgar B. Tolman, Chicago.	Farlin H. Ball, Chicago.
CHICAGO LAW INSTITUTE.	Marquis Eaton, Chicago.	Alfred E. Barr, Chicago.
CLINTON COUNTY BAR ASSOCIATION.	Thos. E. Ford, Carlyle.	A. P. Carr, Carlyle.
DE KALE COUNTY BAR ASSOCIATION.	Harvey A. Jones, Sycamore.	George Brown, Sycamore.
DE WITT COUNTY BAR ASSOCIATION.	Michael Donahue, Clinton.	F. K. Lemon, Clinton.
DU PAGE COUNTY BAR ASSOCIATION.	Robert A. Childs, Hinsdale.	George W. Thoma, Elmhurst.
EAST ST. LOUIS BAR ASSOCIATION.	L. O. Whitnel, E. St. Louis.	D. W. Burroughs, E. St. Louis.
EDGAR COUNTY BAR ASSOCIATION.	Andrew J. Hunter, Paris.	Joseph E. Dyas, Paris.
FULTON COUNTY BAR ASSOCIATION.	O. J. Boyer, Canton.	Edward W. Keefer, Lewistown.
GALLATIN COUNTY BAR ASSOCIATION.	Carl Roedel, Shawneetown.	M. E. Lambert, Shawneetown.
GRUNDY COUNTY BAR ASSOCIATION.	George W. Huston, Morris.	Kay H. Murray, Morris.
HENDERSON COUNTY BAR ASSOCIATION.	Rufus F. Robinson, Oquawka.	E. L. Moffett, Oquawka.
ILLINOIS ASSOCIATION OF COUNTY AND PROBATE JUDGES.	Robert J. Olmstead, Rock Island.	J. P. Streuber, Highland.
ILLINOIS STATE'S ATTORNEY'S ASSOCIATION.	Lawrence McGill, Rock Island.	U. F. Browne, De Witt County.

ILLINOIS—Continued.

NAME	PRESIDENT.	SECRETARY.
JACKSON COUNTY BAR ASSOCIATION.	Andrew S. Caldwell, Carbondale.	Herbert A. Hayes, Carbondale.
JASPER COUNTY BAR ASSOCIATION.	James W. Gibson, Newton.	Albert E. Isley, Newton.
JERSEY COUNTY BAR ASSOCIATION.	Oscar B. Hamilton, Jerseyville.	Charles S. White, Jerseyville.
JO DAVIESS COUNTY BAR ASSOCIATION.	David Sheean, Galena.	D. B. Blewett, Galena.
KANE COUNTY BAR ASSOCIATION.	John A. Russell, Elgin.	Frank E. Shopen, Aurora.
KANKAKEE COUNTY BAR ASSOCIATION.	B. L. Cooper, Kankakee.	J. H. Merrill, Kankakee.
KENDALL COUNTY BAR ASSOCIATION.	Benj. F. Herrington, Yorkville.	Charles A. Darnell, Piano.
KEWANEE BAR ASSOCIATION.	James K. Blish, Kewanee.	Wm. C. Ewen, Kewanee.
KNOX COUNTY BAR ASSOCIATION.	Arnor Moreland, Galesburg.	Webb A. Herlocker, Galesburg.
LAKE COUNTY BAR ASSOCIATION.	Edw. J. Heydecker, Waukegan.	James G. Welch, Waukegan.
LASALLE COUNTY BAR ASSOCIATION.	Henry Mayo, Ottawa.	I. I. Hanna, Ottawa.
THE LAW CLUB OF CHICAGO.	Lessing Rosenthal, Chicago.	Roswell B. Mason, Chicago.
LEE COUNTY BAR ASSOCIATION.	C. B. Morrison, Dixon.	John B. Crabtree, Dixon.
LOGAN COUNTY BAR ASSOCIATION.	Joseph Hodnett, Lincoln.	Harold Trapp, Lincoln.
MACON COUNTY BAR ASSOCIATION.	W. C. Outten, Decatur.	James S. Baldwin, Decatur.
MADISON COUNTY BAR ASSOCIATION.	C. W. Terry, Edwardsville.	D. H. Mudge, Edwardsville.
MARION COUNTY BAR ASSOCIATION.	S. L. Dwight, Centralia.	J. J. Bundy, Centralia.
MARSHALL COUNTY BAR ASSOCIATION.	L. C. McMentrie, Lacon.	Homer Barnes, Lacon.
MCDONOUGH COUNTY BAR ASSOCIATION.	George D. Tunnichiff, Macomb.	J. Ross Mickey, Macomb.
MCLEAN COUNTY BAR ASSOCIATION.	Sain Welty, Bloomington.	Harvey Hart, Bloomington.
MCLEANSBORO BAR ASSOCIATION.	Isaac H. Webb, McLeansboro.	J. H. Lane, McLeansboro.

ILLINOIS—Continued.

NAME.	PRESIDENT.	SECRETARY.
MERCER COUNTY BAR ASSOCIATION.	I. N. Bassett, Aledo.	John M. Wilson, Aledo.
MONTGOMERY COUNTY BAR ASSOCIATION.	Edward Lane, Hillsboro.	George P. O'Brien, Hillsboro.
MORGAN COUNTY BAR ASSOCIATION.	M. T. Layman, Jacksonville.	L. O. Vaught, Jacksonville.
MOULTON COUNTY BAR ASSOCIATION.	F. M. Harbaugh, Sullivan.	George Sentel, Sullivan.
MT. VERNON BAR ASSOCIATION.	Albert Watson, Mt. Vernon.	Curtis Williams, Mt. Vernon.
OGLE COUNTY BAR ASSOCIATION.	Henry A. Smith, Oregon.	(Vacant.)
PATENT LAW ASSOCIATION.	Frank T. Brown, Chicago.	George E. Waldo, Chicago.
PEORIA BAR ASSOCIATION.	William Jack, Peoria.	Clarence W. Heyl, Peoria.
PERRY COUNTY BAR ASSOCIATION.	B. W. Pope, Du Quoin.	I. R. Spillman, Du Quoin.
PIKE COUNTY BAR ASSOCIATION.	Edward Doocy, Pittsfield.	Geo. C. Weaver, Pittsfield.
POPE COUNTY BAR ASSOCIATION.	Wm. H. Moore, Golconda.	Chas. Durfee, Golconda.
QUINCY BAR ASSOCIATION.	Jos. N. Carter, Quincy.	Walter H. Bennett, Quincy.
RICHLAND COUNTY BAR ASSOCIATION.	John Lynch, Olney.	McCawly Baird, Olney.
ROCKFORD BAR ASSOCIATION.	Robert Rew, Rockford.	Stanton A. Hyer, Rockford.
ROCK ISLAND COUNTY BAR ASSOCIATION.	B. D. Connelly, Rock Island.	J. M. Johnson, Moline.
SANGAMON COUNTY BAR ASSOCIATION.	James Reilley, Springfield.	Earl D. Monroe, Springfield.
STEPHENSON COUNTY BAR ASSOCIATION.	J. A. Crain, Freeport.	Charles Green, Freeport.
TAZEWELL COUNTY BAR ASSOCIATION.	Jesse Black, Jr., Pekin.	C. L. Conder, Pekin.
VERMILION COUNTY BAR ASSOCIATION.	Joseph B. Mann, Danville.	George F. Rearick, Danville.
WARREN COUNTY BAR ASSOCIATION.	Almon Kidder, Monmouth.	E. P. Field, Monmouth.
WASHINGTON COUNTY BAR ASSOCIATION.	P. E. Hosmer, Nashville.	James A. Watts, Nashville.

ILLINOIS—Continued.

NAME.	PRESIDENT.	SECRETARY.
WAYNE COUNTY BAR ASSOCIATION.	John L. Cooper, Fairfield.	B. F. Thomas, Fairfield.
BAR ASSOCIATION OF WHITE COUNTY.	James C. Pearce, Carmi.	Rich. Spicknall, Jr., Carmi.
WHITESIDE COUNTY BAR ASSOCIATION.	William H. Allen, Erie.	John A. Ward, Sterling.
WILL COUNTY BAR ASSOCIATION.	Thomas F. Donovan, Joliet.	Edward J. Conley, Joliet.

INDIANA.

State Bar Association of Indiana.	Frank E. Gavin, Indianapolis.	George H. Batchelor, Indianapolis.
ADAMS COUNTY BAR ASSOCIATION.	Daniel D. Heller, Decatur.	J. F. Fruchte, Decatur.
ALLEN COUNTY BAR ASSOCIATION.	James W. Harper, Fort Wayne.	Guy Colerick, Fort Wayne.
CLINTON COUNTY BAR ASSOCIATION.	Charles G. Guenther, Frankfort.	James T. Hockman, Frankfort.
DEARBORN COUNTY BAR ASSOCIATION.	Martin J. Givan, Lawrenceburg.	Estal G. Bielby, Lawrenceburg.
ELKHART CITY BAR ASSOCIATION.	Perry L. Turner, Elkhart.	Ernest A. Skinner, Elkhart.
ELKHART COUNTY BAR ASSOCIATION.	Aaron S. Zook, Goshen.	Ira H. Church, Elkhart.
GRANT COUNTY BAR ASSOCIATION.	George A. Henry, Marion.	George G. Wharton, Marion.
HAMILTON COUNTY BAR ASSOCIATION.	Meade Vestal, Noblesville.	Leroy J. Patty, Carmel.
HOWARD COUNTY BAR ASSOCIATION.	J. F. Morrison, Kokomo.	Donald P. Strode, Kokomo.
HUNTINGTON COUNTY BAR ASSOCIATION.	Ulysses S. Lesh, Huntington.	C. K. Lucas, Huntington.
INDIANAPOLIS BAR ASSOCIATION.	Wm. A. Pickens, Indianapolis.	Lewis A. Coleman, Indianapolis.
JAY COUNTY BAR ASSOCIATION.	John F. LaFollette, Portland.	Wheeler Ashcraft, Portland.
KNOX COUNTY BAR ASSOCIATION.	James M. House, Vincennes.	Duncan L. Beckes, Vincennes.
LAKE COUNTY BAR ASSOCIATION.	Armanis F. Knotts, Hammond.	John M. Stinson, Hammond.

INDIANA—Continued.

NAME.	PRESIDENT.	SECRETARY.
MADISON COUNTY BAR ASSOCIATION.	BAR F. P. Foster, Anderson.	E. B. McMahan, Anderson.
MORGAN COUNTY BAR ASSOCIATION.	BAR George W. Grubbs, Martinsville.	Emmett F. Branch, Martinsville.
MUNCIE BAR ASSOCIATION.	Adolph C. Silverburg, Muncie.	Wm. T. Haymond, Muncie.
PUTNAM COUNTY BAR ASSOCIATION.	Tarvin C. Grooms, Greencastle.	Charles T. Peck, Greencastle.
RANDOLPH COUNTY LAW LIBRARY ASSOCIATION.	James S. Engle, Winchester.	Alonso L. Bales, Winchester.
SHELBY COUNTY BAR ASSOCIATION.	Chas. A. Hack, Shelbyville.	U. E. Tindall, Shelbyville.
STARKE COUNTY BAR ASSOCIATION.	Henry R. Robbins, Knox.	W. C. Pentecost, Knox.
ST. JOSEPH COUNTY BAR ASSOCIATION.	F. H. Wurzer, South Bend.	Eli F. Seebirt, South Bend.
SULLIVAN COUNTY BAR ASSOCIATION.	Antoinette D. Leach, Sullivan.	Ransom W. Akin, Sullivan.
THIRTY-FIFTH JUDICIAL CIRCUIT BAR ASSOCIATION.	James H. Rose, Auburn.	Glenn Van Aiken, Pleasant Lake.
VERMILION COUNTY BAR ASSOCIATION.	Martin G. Rhoades, Newport.	Homer B. Alkman, Dana.
WABASH BAR ASSOCIATION.	Warren G. Sayre, Wabash.	Herman N. Hipskind, Wabash.

IOWA.

Iowa State Bar Association.	C. G. Saunders, Council Bluffs.	H. C. Horack, Iowa City.
ADAMS COUNTY BAR ASSOCIATION.	Frank M. Davis, Corning.	A. Ray Maxwell, Corning.
BLACKHAWK COUNTY BAR ASSOCIATION.	O. B. Courtright, Waterloo.	Alfred Langley, Waterloo.
BOONE COUNTY BAR ASSOCIATION.	S. R. Dyer, Boone.	W. W. Goodykoontz, Boone.
BUCHANAN COUNTY BAR ASSOCIATION.	M. W. Harmon, Independence.	H. C. Chappell, Independence.
CASS COUNTY BAR ASSOCIATION.	John W. Scott, Atlantic.	W. A. Follett, Atlantic.
CLAYTON COUNTY BAR ASSOCIATION.	James O. Crosby, Garnaville.	B. W. Newberry, Strawberry Point.
DES MOINES BAR ASSOCIATION.	A. A. McLaughlin, Des Moines.	John L. Gillespie, Des Moines.

IOWA—Continued.

NAME.	PRESIDENT.	SECRETARY.
DUBUQUE BAR ASSOCIATION.	P. J. Nelson, Dubuque.	D. E. McGuire, Dubuque.
FORT MADISON BAR ASSOCIATION.	W. S. Hamilton, Fort Madison.	E. C. Weber, Fort Madison.
HAMILTON COUNTY BAR ASSOCIATION.	Wesley Martin, Webster City.	John Porter, Webster City.
JASPER COUNTY BAR ASSOCIATION.	O. C. Meredith, Newton.	W. R. Cooper, Newton.
JOHNSON COUNTY BAR ASSOCIATION.	M. J. Wade, Iowa City.	W. J. McDonald, Iowa City.
LINN COUNTY BAR ASSOCIATION.	John M. Redmond, Cedar Rapids.	Fred Dawley, Cedar Rapids.
MAHASKA COUNTY BAR ASSOCIATION.	H. H. Sheriff, Oskaloosa.	David S. Daviet, Oskaloosa.
MONONA COUNTY BAR ASSOCIATION.	T. B. Lutz, Mapleton.	A. Kindall, Onawa.
MONROE COUNTY BAR ASSOCIATION.	T. B. Perry, Albia.	T. Hickenlooper, Albia.
OSCEOLA COUNTY BAR ASSOCIATION.	C. M. Brooks, Sibley.	John F. Glover, Sibley.
POTTAWATTAMIE COUNTY BAR ASSOCIATION.	Wm. A. Mynster, Council Bluffs.	D. L. Ross, Council Bluffs.
SCOTT COUNTY BAR ASSOCIATION.	A. W. Hamann, Davenport.	A. G. Sampson, Davenport.
SIOUX CITY BAR ASSOCIATION.	C. L. Wright, Sioux City.	John R. Carter, Sioux City.
TAYLOR COUNTY BAR ASSOCIATION.	W. E. Miller, Bedford.	J. M. Haddock, Bedford.
VAN BUREN COUNTY BAR ASSOCIATION.	Robt. Sloan, Keosauqua.	W. M. Walker, Keosauqua.
WAPELO COUNTY BAR ASSOCIATION.	W. H. C. Jacques, Ottumwa.	George F. Heindel, Ottumwa.
WARREN COUNTY BAR ASSOCIATION.	J. H. Henderson, Indianola.	John R. Howard, Indianola.
WASHINGTON COUNTY BAR ASSOCIATION.	Charles J. Willson, Washington.	W. H. Butterfield, Washington.
WEBSTER COUNTY BAR ASSOCIATION.	A. N. Botsford, Fort Dodge.	B. B. Burnquist, Fort Dodge.

KANSAS.

NAME.	PRESIDENT.	SECRETARY.
Bar Association of the State of Kansas.	Wm. E. Hutchison, Garden City.	D. A. Valentine, Topeka.
DOUGLAS COUNTY BAR ASSOCIATION.	Wm. W. Nevilson, Lawrence.	(Vacant.)
MORRIS COUNTY BAR ASSOCIATION.	M. B. Nicholson, Council Grove.	W. J. Pirtle, Council Grove.
SEDGWICK COUNTY BAR ASSOCIATION.	Paul Brown, Wichita.	George Gardner, Wichita.

KENTUCKY.

Kentucky State Bar Association.	John B. Baskin, Louisville.	R. A. McDowell, Louisville.
CAMPBELL COUNTY BAR ASSOCIATION.	Otto Wolff, Newport.	Louis Renscher, Newport.
KENTON COUNTY BAR ASSOCIATION.	Lealie T. Applegate, Covington.	S. L. Blakely, Covington.
LOUISVILLE BAR ASSOCIATION.	James S. Pirtle, Louisville.	John M. Scott, Louisville.

LOUISIANA.

Louisiana Bar Association.	E. H. Randolph, Shreveport.	Charles A. Duchamp, New Orleans.
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MAINE.

Maine State Bar Association.	O. F. Fellows, Bangor.	Norman L. Bassett, Augusta.
ANDROSCOGGIN COUNTY BAR ASSOCIATION.	George C. Wing, Auburn.	Henry W. Oakes, Auburn.
AROOSTOOK COUNTY BAR ASSOCIATION.	Peter C. Keegan, Van Buren.	Ransford W. Shaw, Houlton.
CUMBERLAND COUNTY BAR ASSOCIATION.	Charles F. Libby, Portland.	John F. A. Merrill, Portland.
FRANKLIN COUNTY BAR ASSOCIATION.	Philip H. Stubbs, Strong.	Byron M. Small, Farmington.
HANCOCK COUNTY BAR ASSOCIATION.	Luere B. Deasy, Bar Harbor.	William E. Whiting, Ellsworth.
KENNEBEC BAR ASSOCIATION.	Charles F. Johnson, Waterville.	Chas. L. Andrews, Augusta.
KNOX COUNTY BAR AND LIBRARY ASSOCIATION.	D. N. Mortland, Rockland.	C. M. Walker, Rockland.
LINCOLN COUNTY BAR ASSOCIATION.	Roswell S. Partridge, North Whitefield.	Charles L. Macurda, Wiscasset.

MAINE—Continued.

NAME.	PRESIDENT.	SECRETARY.
OXFORD BAR ASSOCIATION.	Addison E. Herrick, Bethel.	Charles F. Whitman, Norway.
PENOBSCOT BAR ASSOCIATION.	(Vacant.)	F. H. Appleton, Bangor.
PISCATAQUIS COUNTY LAW LIBRARY.	Joseph B. Peaks, Dover.	Willis E. Parsons, Foxcroft.
SAGadahoc COUNTY BAR ASSOCIATION.	Wm. T. Hall, Richmond.	Walter S. Glidden, Bath.
SOMERSET COUNTY BAR AND LIBRARY ASSOCIATION.	(Vacant.)	W. T. Seekins, Skowhegan.
WALDO COUNTY BAR ASSOCIATION.	George E. Johnson, Belfast.	Carleton Doak, Belfast.
WASHINGTON COUNTY BAR ASSOCIATION.	John F. Lynch, Machias.	C. B. Donworth, Machias.
YORK COUNTY BAR ASSOCIATION.	Wm. S. Mathews, Berwick.	Thomas B. Walker, Biddeford.

MARYLAND.

Maryland State Bar Association.	James A. Pearce, Chestertown.	J. W. Chapman, Jr., Baltimore.
ALLEGANY COUNTY BAR ASSOCIATION.	P. C. Barnes, Cumberland.	D. Lindley Sloan, Cumberland.
THE BAR ASSOCIATION OF BALTIMORE CITY.	George R. Gaither, Baltimore.	A. De R. Sappington, Baltimore.
CAROLINE COUNTY BAR ASSOCIATION.	T. Pliney Fisher, Denton.	T. A. Goldsborough, Denton.
CARROLL COUNTY BAR ASSOCIATION.	James A. C. Bond, Westminster.	E. O. Grimes, Jr., Westminster.
CECIL COUNTY BAR AND LAW LIBRARY ASSOCIATION.	William S. Evans, Elkton.	Joshua Clayton, Elkton.
GARRETT COUNTY BAR ASSOCIATION.	Fred. A. Thayer, Oakland.	Julius C. Renninger, Oakland.
MONTGOMERY COUNTY BAR ASSOCIATION.	Hattersly W. Talbott, Rockville.	Wm. F. Prettyman, Rockville.
PRINCE GEORGE'S COUNTY BAR ASSOCIATION.	George C. Merrick, Marlboro.	Allan Bowie, Marlboro.
TALBOT COUNTY BAR ASSOCIATION.	Joseph B. Seth, Easton.	N. E. Clark, Easton.
WASHINGTON COUNTY BAR ASSOCIATION.	Buchanan Schley, Hagerstown.	Levin Stonebraker, Hagerstown.
WICOMICO COUNTY BAR ASSOCIATION.	James E. Ellegood, Salisbury.	Elmer H. Walton, Salisbury.

1888.

1889.

1890.

On November 1st the first of the
 year of 1888.
 The first of the year of 1889.
 The first of the year of 1890.
 The first of the year of 1891.
 The first of the year of 1892.
 The first of the year of 1893.
 The first of the year of 1894.
 The first of the year of 1895.
 The first of the year of 1896.
 The first of the year of 1897.
 The first of the year of 1898.
 The first of the year of 1899.
 The first of the year of 1900.

J. A. Thompson
 Thomas
 T. J. Smith
 James Smith
 George Smith
 William

1891.

The first of the year of 1891.
 The first of the year of 1892.
 The first of the year of 1893.
 The first of the year of 1894.
 The first of the year of 1895.
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 The first of the year of 1897.
 The first of the year of 1898.
 The first of the year of 1899.
 The first of the year of 1900.

H. A. Smith
 James Smith
 George Smith
 William

1892.

The first of the year of 1892.
 The first of the year of 1893.

James A. Smith
 George Smith

1893.

The first of the year of 1893.
 The first of the year of 1894.
 The first of the year of 1895.
 The first of the year of 1896.
 The first of the year of 1897.
 The first of the year of 1898.
 The first of the year of 1899.
 The first of the year of 1900.

James A. Smith
 George Smith
 William

MAINE—Continued.

NAME.	PRESIDENT.	SECRETARY.
OXFORD BAR ASSOCIATION.	Addison B. Herrick, Bethel.	Charles F. Whitman, Norway.
PENOBSCOT BAR ASSOCIATION.	(Vacant.)	F. H. Appleton, Bangor.
PENACATAQUE COUNTY LAW LIBRARY.	Joseph B. Penka, Dover.	Willis E. Parsons, Fennell.
SAGadahoc COUNTY BAR ASSOCIATION.	Wm. T. Hall, Richmond.	Walter S. Glidden, Bath.
SOMERSET COUNTY BAR AND LIBRARY ASSOCIATION.	(Vacant.)	W. T. Seckins, Shawbogen.
WAIRDO COUNTY BAR ASSOCIATION.	George E. Johnson, Belfast.	Carlton Dunk, Belfast.
WASHINGTON COUNTY BAR ASSOCIATION.	John F. Lynch, Machias.	C. B. Dewarth, Machias.
YORK COUNTY BAR ASSOCIATION.	Wm. S. Matthews, Berwick.	Thomas B. Walker, Bridgford.

MARYLAND.

Maryland State Bar Association.	James A. Pearce, Chestertown.	J. W. Chapman, Jr., Baltimore.
ALLEGANY COUNTY BAR ASSOCIATION.	P. C. Barnes, Cumberland.	D. Lindsey Slack, Cumberland.
THE BAR ASSOCIATION OF BALTIMORE CITY.	George R. Galtzer, Baltimore.	A. Le B. Safford, Baltimore.
CAROLINE COUNTY BAR ASSOCIATION.	T. Finney Fisher, Denton.	T. A. Goldsborough, Denton.
CANNON COUNTY BAR ASSOCIATION.	James A. C. Bond, Westminster.	E. O. Grimmer, Jr., Westminster.
CHELSEA COUNTY BAR AND LAW LIBRARY ASSOCIATION.	W. Lee E. Evans, Elkton.	John C. Cray, Elkton.
GARRETT COUNTY BAR ASSOCIATION.	Fred. A. Tlayer, Oakland.	James C. Ruppel, Oakland.

MASSACHUSETTS.

NAME.	PRESIDENT.	SECRETARY.
MASSACHUSETTS BAR ASSOCIATION.	Alfred Hemenway, Boston.	Robert Homans, Boston.
BERKSHIRE BAR ASSOCIATION.	Clarence P. Niles, North Adams.	William A. Burns, Pittsfield.
BAR ASSOCIATION OF THE CITY OF BOSTON.	Moorfield Storey, Boston.	Robert S. Gorham, Boston.
ESSEX BAR ASSOCIATION.	William H. Niles, Lynn.	Alden P. White, Salem.
FALL RIVER BAR ASSOCIATION.	Andrew J. Jennings, Fall River.	Edward A. Thurston, Fall River.
FRANKLIN COUNTY BAR ASSOCIATION.	Frederick L. Green, Greenfield.	Henry W. Lyman, Greenfield.
BAR ASSOCIATION OF HAMPDEN COUNTY.	Edward H. Lathrop, Springfield.	Robert O. Morris, Springfield.
HAMPSHIRE COUNTY BAR ASSOCIATION.	T. G. Spaulding, Northampton.	Haynes H. Chilson, Northampton.
HAVERHILL BAR ASSOCIATION.	Robert D. Trask, Haverhill.	Daniel J. Linehan, Haverhill.
LAWRENCE BAR ASSOCIATION.	William S. Knox, Lawrence.	John C. Sanborn, Lawrence.
LYNN BAR ASSOCIATION.	James H. Sisk, Lynn.	J. J. Doherty, Lynn.
BAR ASSOCIATION OF THE COUNTY OF MIDDLESEX.	Samuel K. Hamilton, Wakefield.	Frank M. Forbush, Newton Centre.
NEW BEDFORD BAR ASSOCIATION.	Charles W. Clifford, New Bedford.	Frank A. Milliken, New Bedford.
NEWBURYPORT BAR ASSOCIATION.	Horace I. Bartlett, Newburyport.	Charles T. Smith, Newburyport.
PLYMOUTH COUNTY BAR ASSOCIATION.	Benjamin W. Harris, E. Bridgewater.	Arthur Lord, Plymouth.
SALEM BAR ASSOCIATION.	Wm. D. Chapple, Salem.	Daniel C. Manning, Salem.
TAUNTON BAR ASSOCIATION.	Wm. S. Woods, Taunton.	Louis Swig, Taunton.
WORCESTER COUNTY BAR ASSOCIATION.	John R. Thayer, Worcester.	Frank C. Smith, Jr., Worcester.

MICHIGAN.

Michigan State Bar Association.	Arch. B. Eldredge, Marquette.	William J. Landman, Grand Rapids.
BARRIEN COUNTY BAR ASSOCIATION.	N. A. Hamilton, St. Joseph.	H. S. Whitney, St. Joseph.

MICHIGAN—Continued.

NAME.	PRESIDENT.	SECRETARY.
BARRY COUNTY BAR ASSOCIATION.	Lee H. Pryor, Hastings.	J. M. Smith, Hastings.
BAY COUNTY BAR ASSOCIATION.	J. C. Hewitt, Bay City.	F. P. McCormick, Bay City.
BRANCH COUNTY BAR ASSOCIATION.	Henry H. Barlow, Coldwater.	Leon A. Johnson, Coldwater.
CALHOUN COUNTY BAR ASSOCIATION.	Burritt Hamilton, Battle Creek.	W. D. Kline, Battle Creek.
CASS COUNTY BAR ASSOCIATION.	Jas. H. Kinnane, Dowagiac.	Asa K. Hayden, Dowagiac.
CHEBOYGAN COUNTY BAR ASSOCIATION.	Victor D. Sprague, Cheboygan.	Jas. F. Shepherd, Cheboygan.
CHIPPEWA COUNTY BAR ASSOCIATION.	Joseph H. Steere, Sault Ste. Marie.	Herbert W. Runnels, Sault Ste. Marie.
DETROIT BAR ASSOCIATION.	Allen H. Frazier, Detroit.	Stewart C. Griswold, Detroit.
GENESSEE COUNTY BAR ASSOCIATION.	John J. Carton, Flint.	William V. Smith, Flint.
GRAND RAPIDS BAR ASSOCIATION.	Charles M. Wilson, Grand Rapids.	Kirk E. Wicks, Grand Rapids.
GRAND TRAVERSE COUNTY BAR ASSOCIATION.	M. W. Underwood, Traverse City.	C. D. Alway, Traverse City.
HILLSDALE COUNTY BAR ASSOCIATION.	Frank A. Lyon, Hillsdale.	Martin Fitzpatrick, Hillsdale.
HOUGHTON COUNTY BAR ASSOCIATION.	Allen F. Rees, Houghton.	A. E. Peterman, Calumet.
HUBON COUNTY BAR ASSOCIATION.	Wm. T. Bope, Bad Axe.	Wilbur H. Beach, Bad Axe.
INGHAM COUNTY BAR ASSOCIATION.	S. L. Kilbourne, Lansing.	Harry A. Silsbee, Lansing.
IONIA COUNTY BAR ASSOCIATION.	Allen B. Morse, Ionia.	Elvert M. Davis, Ionia.
IOSCO COUNTY BAR ASSOCIATION.	(Vacant.)	N. C. Hasting, Tawas City.
ISABELLA COUNTY BAR ASSOCIATION.	I. A. Fancher, Mt. Pleasant.	H. A. Sanford, Mt. Pleasant.
JACKSON BAR ASSOCIATION.	Enoch Bancker, Jackson.	George H. Curtis, Jackson.
KALAMAZOO COUNTY BAR ASSOCIATION.	N. H. Stewart, Kalamazoo.	Charles L. Dibble, Kalamazoo.
LAPEER COUNTY BAR ASSOCIATION.	W. B. Williams, Lapeer.	John Loughnane, Lapeer.

MICHIGAN—Continued.

NAME.	PRESIDENT.	SECRETARY.
LENAWEE COUNTY BAR ASSOCIATION.	Richard A. Watts, Adrian.	Earl C. Michener, Adrian.
MACOMB COUNTY BAR ASSOCIATION.	O. C. Lungerhausen, Romeo.	Franz C. Kuhn, Mt. Clemens.
MARQUETTE COUNTY BAR ASSOCIATION.	Dan H. Ball, Marquette.	George P. Brown, Marquette.
MENOMINEE COUNTY BAR ASSOCIATION.	A. L. Sawyer, Menominee.	John E. Tracy, Menominee.
MONROE COUNTY BAR ASSOCIATION.	G. M. Landon, Monroe.	Thornton Dixon, Monroe.
MONTCALM COUNTY BAR ASSOCIATION.	N. O. Griswold, Greenville.	J. Claude Youdan, Howard City.
MUSKEGON COUNTY BAR ASSOCIATION.	Chas. B. Cross, Muskegon.	Francis W. Wilson, Muskegon.
NEWAYGO COUNTY BAR ASSOCIATION.	Edw. E. Edwards, Newaygo.	Fred R. Everett, White Cloud.
OAKLAND COUNTY BAR ASSOCIATION.	Aaron Perry, Pontiac.	Joseph E. Sawyer, Pontiac.
OGENAW COUNTY BAR ASSOCIATION.	E. M. Harris, W. Branch.	Wm. N. Moore, W. Branch.
SAGINAW COUNTY BAR ASSOCIATION.	Wm. E. Crane, Saginaw.	Frank Q. Quinn, Saginaw.
ST. CLAIRE COUNTY BAR ASSOCIATION.	Wm. T. Mitchell, St. Clair.	Thomas Wellman, St. Clair.
TWENTY-EIGHTH JUDICIAL CIRCUIT BAR ASSOCIATION.	E. E. Haskins, Cadillac.	Ernest C. Smith, Kalkaska.
WASHTENAW COUNTY BAR ASSOCIATION.	John F. Laurence, Ann Arbor.	Arthur Brown, Ann Arbor.

MINNESOTA.

Minnesota State Bar Association.	C. A. Severance, St. Paul.	Charles W. Farnham, St. Paul.
BLUE EARTH COUNTY BAR ASSOCIATION.	H. L. Schmitt, Mankato.	Jean A. Flittie, Mankato.
ELEVENTH JUDICIAL DISTRICT BAR ASSOCIATION.	Frank Crassweller, Duluth.	Hans B. Haroldson, Duluth.
JUNIOR BAR ASSOCIATION.	Irene C. Buell, Duluth.	Eliza P. Evans, Minneapolis.
MINNEAPOLIS BAR ASSOCIATION.	Hugh V. Mercer, Minneapolis.	J. A. Larimore, Minneapolis.
RAMSEY COUNTY BAR ASSOCIATION.	Stiles W. Burr, St. Paul.	R. G. O'Malley, St. Paul.

MINNESOTA—Continued.

NAME.	PRESIDENT.	SECRETARY.
RICE COUNTY BAR ASSO- CIATION.	Geo. W. Batchelder, Faribault.	(Vacant.)
SEVENTH JUDICIAL DIS- TRICT BAR ASSOCIATION.	John W. Mason, Fergus Falls.	Jas. R. Bennett, Jr., St. Cloud.
STEARNS COUNTY BAR ASSOCIATION.	George H. Reynolds, St. Cloud.	W. F. Donohue, Melrose.
WASHINGTON COUNTY BAR ASSOCIATION.	J. N. Searles, Stillwater.	A. E. Doe, Stillwater.

MISSISSIPPI.

Mississippi State Bar Association.	A. F. Fox, West Point.	Sydney Smith, Jackson.
ADAMS COUNTY BAR AS- SOCIATION.	W. C. Martin, Natchez.	William C. Bowman, Natchez.
JEFFERSON COUNTY BAR ASSOCIATION.	R. W. Campbell, Fayette.	J. E. Torrey, Fayette.
PIKE COUNTY BAR ASSO- CIATION.	J. H. Prince, Magnolia.	E. J. Simmons, Magnolia.

MISSOURI.

Missouri Bar Associa- tion.	John W. Halliburton, Carthage.	Lee Montgomery, Sedalia.
KANSAS CITY BAR ASSO- CIATION.	Jos. A. Guthrie, Kansas City.	John G. Schaich, Kansas City.
ST. JOSEPH BAR ASSOCIA- TION.	W. K. James, St. Joseph.	G. L. Zwick, St. Joseph.
BAR ASSOCIATION OF ST. LOUIS.	Clifford B. Allen, St. Louis.	John B. Denvir, Jr., St. Louis.

MONTANA.

Montana Bar Associa- tion.	James A. Walsh, Helena.	Charles F. Word, Helena.
CASCADE COUNTY BAR ASSOCIATION.	Thomas E. Brady, Great Falls.	H. H. Ewing, Great Falls.
BAR ASSOCIATION OF EASTERN MONTANA.	John T. Smith, Livingston.	A. P. Stark, Livingston.
FLATHEAD COUNTY BAR ASSOCIATION.	G. H. Grubb, Kalispell.	D. F. Smith, Kalispell.
FOURTH JUDICIAL DIS- TRICT BAR ASSOCIATION.	A. L. Duncan, Missoula.	D. J. Heyfron, Missoula.
HELENA BAR ASSOCIA- TION.	F. P. Sterling, Helena.	T. J. Walsh, Helena.
SILVER BOW COUNTY BAR ASSOCIATION.	Jesse B. Roote, Butte.	Lewis A. Smith, Butte.
YELLOWSTONE COUNTY BAR ASSOCIATION.	James R. Goss, Billings.	Harry L. Wilson, Billings.

NEBRASKA.

NAME.	PRESIDENT.	SECRETARY.
Nebraska State Bar Association.	B. F. Good, Lincoln.	Alfred G. Ellick, Omaha.
ADAMS COUNTY BAR ASSOCIATION.	C. F. Morey, Hastings.	Chas. E. Bruckman, Hastings.
LANCASTER COUNTY BAR ASSOCIATION.	George R. Adams, Lincoln.	E. S. Rigley, Lincoln.
OMAHA BAR ASSOCIATION.	Frank L. Weaver, Omaha.	Charles E. Foster, Omaha.

NEVADA.

Nevada Bar Association.	Hugh Henry Brown, Tonopah.	Robert Richards, Reno.
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NEW HAMPSHIRE.

Bar Association of the State of New Hampshire.	Edgar Aldrich, Littleton.	Arthur H. Chase, Concord.
BELKNAP COUNTY BAR ASSOCIATION.	Charles C. Rogers, Tilton.	Bertram Blaisdell, Meredith.
BERLIN AND GORHAM BAR ASSOCIATION.	Alfred R. Evans, Gorham.	J. Howard Wight, Berlin.
CARROLL COUNTY BAR ASSOCIATION.	Arthur L. Foote, Dover.	Wm. J. Britton, Wolfeboro.
GRAFTON AND COLE BAR ASSOCIATION.	Chester B. Jordan, Lancaster.	Geo. F. Rich, Berlin.

NEW JERSEY.

New Jersey State Bar Association.	William M. Johnson, Hackensack, N. J.	William J. Kraft, Camden.
ATLANTIC COUNTY BAR ASSOCIATION.	Charles S. Moore, Atlantic City.	Oliver T. Rogers, Atlantic City.
BERGEN COUNTY BAR ASSOCIATION.	John M. Bell, Rutherford.	W. W. Westerfelt, Jr., Hackensack.
CAMDEN COUNTY BAR ASSOCIATION.	Howard M. Cooper, Camden.	S. Conrad Ott, Camden.
CAPE MAY COUNTY BAR ASSOCIATION.	Morgan Hand, Cape May C. H.	J. Spicer Leaming, Cape May.
CUMBERLAND COUNTY BAR ASSOCIATION.	Henry S. Alvord, Vineland.	George Hampton, Bridgeton.
LAWYERS' CLUB OF BERGEN COUNTY.	Thomas J. Lintott, Newark.	F. Schaaringhausen, Newark.
GLOUCESTER COUNTY BAR ASSOCIATION.	John S. Jessup, Woodbury.	Francis B. Davis, Woodbury.

NEW JERSEY—Continued.

NAME.	PRESIDENT.	SECRETARY.
HUDSON COUNTY BAR ASSOCIATION.	George J. McEwan, Jersey City.	Frank W. Hastings, Jr., Jersey City.
MERCER COUNTY BAR ASSOCIATION.	Chas. E. Gummers, Trenton.	Bayard Stockton, Jr., Trenton.
MIDDLESEX COUNTY BAR ASSOCIATION.	J. Kearney Rice, New Brunswick.	George S. Silzer, New Brunswick.
MONMOUTH BAR ASSOCIATION.	J. S. Applegate, Sr., Red Bank.	James D. Carton, Asbury Park.
BAR ASSOCIATION OF MORRIS COUNTY.	Willard W. Cutler, Morristown.	C. Franklin Wilson, Morristown.
PASSAIC COUNTY BAR ASSOCIATION.	William I. Lewis, Paterson.	James G. Blauvelt, Paterson.
SOMERSET COUNTY BAR ASSOCIATION.	John F. Reger, Somerville.	M. M. Steele, Somerville.
BAR ASSOCIATION OF UNION COUNTY.	James C. Connolly, Elizabeth.	Paul Q. Oliver, Westfield.

NEW MEXICO TERRITORY.

New Mexico Bar Association.	J. M. Hervey, Roswell.	Nellie C. Brewer, Albuquerque.
BERNALILLO COUNTY BAR ASSOCIATION.	M. E. Hickey, Albuquerque.	Nellie C. Brewer, Albuquerque.

NEW YORK.

New York State Bar Association.	Elihu Root, New York City.	F. E. Wadhams, Albany.
ALBANY COUNTY BAR ASSOCIATION.	George Lawyer, Albany.	Charles S. Stedman, Albany.
ALLEGANY COUNTY BAR ASSOCIATION.	Elba Reynolds, Belmont.	Jesse L. Grantier, Wellsville.
AMSTERDAM, BAR ASSOCIATION OF THE CITY OF	Charles S. Nisbet, Amsterdam.	Harry Sherbourne, Amsterdam.
BRONX, ASSOCIATION OF THE BAR OF THE BOROUGH OF	Charles P. Hallock, New York.	Edward R. Koch, New York.
BROOKLYN BAR ASSOCIATION.	David F. Manning, Brooklyn.	Robert H. Wilson, Brooklyn.
BROOME COUNTY BAR ASSOCIATION.	Rollin W. Meeker, Binghamton.	John Marcy, Jr., Binghamton.
CATTARAUGUS COUNTY BAR ASSOCIATION.	Hudson Ansley, Salamanca.	Dana L. Jewell, Olean.

NEW YORK—Continued.

NAME	PRESIDENT.	SECRETARY
CAYUGA COUNTY BAR ASSOCIATION.	Hull Greenfield, Auburn.	James J. Hosmer, Auburn.
CHEMUNG COUNTY BAR ASSOCIATION.	Hosea Rockwell, Elmira.	Herbert M. Lovell, Elmira.
CORNING BAR ASSOCIATION.	Francis C. Williams, Corning.	Frank J. Saxton, Corning.
DELAWARE COUNTY BAR ASSOCIATION.	John P. Grant, Stamford.	Marion M. Palmer, Delhi
ERIE COUNTY BAR ASSOCIATION.	Carlton E. Ladd, Buffalo.	Francis F. Baker, Buffalo.
FREDONIA BAR ASSOCIATION.	Arthur R. Moore, Fredonia.	Harry B. Espy, Fredonia.
GENESEE COUNTY BAR ASSOCIATION.	Frank S. Nood, Batavia.	Everest A. Judd, Batavia.
GLOVERSVILLE, BAR ASSOCIATION OF THE CITY OF	Frank Talbot, Gloversville.	R. D. Boyd, Gloversville.
GREENE COUNTY BAR ASSOCIATION.	Emory A. Chase, Catskill.	Percy W. Decker, Catskill.
HERKIMER COUNTY BAR ASSOCIATION.	Charles Bell, Herkimer.	Mabel J. Wood, Herkimer.
JAMESTOWN, BAR ASSOCIATION OF THE CITY OF	Benjamin S. Dean, Jamestown.	Charles H. Wiborg, Jamestown.
JEFFERSON COUNTY BAR ASSOCIATION.	Elon R. Brown, Watertown.	Charles A. Phelps, Watertown.
JOHNSTOWN BAR ASSOCIATION.	Clarence W. Smith, Johnstown.	McIntyre Fraser, Johnstown.
LIVINGSTON COUNTY BAR ASSOCIATION.	John B. Abbott, Geneseo.	Charles W. Gamble, Geneseo.
MADISON COUNTY BAR ASSOCIATION.	Henry B. Coman, Oneida.	B. Fitch Tompkins, Morrisville.
NASSAU COUNTY BAR ASSOCIATION.	Alfred T. Davison, Rockville Center.	William Clarke Roe, Thomaston.
NEW YORK, ASSOCIATION OF THE BAR OF THE CITY OF	Francis L. Stetson, New York.	Silas B. Brownell, New York.
NEW YORK COUNTY LAWYERS' ASSOCIATION.	Alton B. Parker, New York.	Charles Strauss, New York.
ONEIDA COUNTY BAR ASSOCIATION.	Thomas S. Jones, Utica.	William K. Harvey, Utica.
ONEONTA BAR ASSOCIATION.	A. L. Kellog, Oneonta.	Chas. F. Farmer, Oneonta.

NEW YORK—Continued.

NAME.	PRESIDENT.	SECRETARY.
ONONDAGA COUNTY BAR ASSOCIATION.	Wm. Nottingham, Syracuse.	John W. Sadler, Syracuse.
ORANGE COUNTY BAR ASSOCIATION.	John J. Beattie, Warwick.	J. Bradley Scott, Newburgh.
OSWEGO COUNTY BAR ASSOCIATION.	Udelle Bartlett, Oswego.	Albert C. Coon, Oswego.
QUEENS COUNTY BAR ASSOCIATION.	Eugene N. L. Young, Long Island City.	Morris L. Strauss, College Point.
RENSSELAER COUNTY BAR ASSOCIATION.	C. S. McChesney, Troy.	Chas. E. McCarthy, Troy.
RICHMOND COUNTY BAR ASSOCIATION.	Eugene L. Richards, Jr., New Brighton.	Lawrence W. Widdecombe, Stapleton.
ROCHESTER BAR ASSOCIATION.	Thomas Raines, Rochester.	Homer E. A. Dick, Rochester.
ROCKLAND COUNTY BAR ASSOCIATION.	Abram A. Demarest, Nyack.	George A. Wyre, Nyack.
SARATOGA COUNTY BAR ASSOCIATION.	Edgar T. Brackett, Saratoga Springs.	L. B. McKelzy, Saratoga Springs.
SCHENECTADY COUNTY BAR ASSOCIATION.	Everett Smith, Schenectady.	Marvin H. Strong, Schenectady.
STEBEN COUNTY BAR ASSOCIATION.	John F. Little, Bath.	Henry V. Pratt, Wayland.
ST. LAWRENCE COUNTY BAR ASSOCIATION.	Ledyard P. Hale, Canton.	Alric R. Herriman, Ogdensburg.
SUFFOLK COUNTY BAR ASSOCIATION.	Thomas Young, Huntington.	Joseph M. Belford, Riverhead.
TOMPKINS COUNTY BAR ASSOCIATION.	George B. Davis, Ithaca.	P. F. McAllister, Ithaca.
ULSTER COUNTY BAR ASSOCIATION.	A. T. Clearwater, Kingston.	John T. Cahill, Kingston.
THE WASHINGTON HEIGHTS BAR ASSOCIATION OF NEW YORK CITY.	John W. Goff, New York.	John J. Donnelly, New York.
WAYNE COUNTY BAR ASSOCIATION.	Clyde W. Knapp, Lyons.	Gordon G. Harris, Newark.
WESTCHESTER COUNTY BAR ASSOCIATION.	J. Addison Young, New Rochelle.	Oscar Le R. Warren, White Plains.
THE WOMAN'S ASSOCIATION OF THE BAR.	Miss Emilie M. Bullock, New York.	Mrs. E. H. Travis, New York.
WYOMING COUNTY BAR ASSOCIATION.	James E. Norton, Warsaw.	Chester A. Van Arsdale, Warsaw.

NEW YORK—Continued.

NAME.	PRESIDENT.	SECRETARY.
YATES COUNTY BAR ASSOCIATION.	C. W. Kimball, Penn Yan.	H. B. Harpending, Dundee.
YONKERS BAR ASSOCIATION.	William Riley, Yonkers.	Edward McAneny, Yonkers.

NORTH CAROLINA.

North Carolina Bar Association.	Francis D. Winston, Windsor.	Thomas W. Davis, Wilmington.
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NORTH DAKOTA.

Bar Association of North Dakota.	John E. Green, Minot.	C. S. Buck, Jamestown.
BARNES COUNTY BAR ASSOCIATION.	Herman Winterer, Valley City.	A. P. Paulson, Valley City.
BENSON COUNTY BAR ASSOCIATION.	O. D. Comstock, Minnewaukon.	Torger Sinness, Minnewaukon.
BOTTINEAU COUNTY BAR ASSOCIATION.	A. G. Burr, Bottineau.	N. C. Wagner, Bottineau.
BURLEIGH COUNTY BAR ASSOCIATION.	E. A. Williams, Bismarck.	David Stewart, Bismarck.
CASS COUNTY BAR ASSOCIATION.	Seth W. Richardson, Fargo.	A. W. Cupler, Fargo.
DISTRICT BAR ASSOCIATION.	L. N. Torson, Rugby.	Albert Besancon, Bottineau.
GRAND FORKS COUNTY BAR ASSOCIATION.	Tracy R. Bangs, Grand Forks.	Fred. S. Duggan, Grand Forks.
BAR ASSOCIATION OF THE NINTH JUDICIAL DISTRICT OF NORTH DAKOTA.	A. M. Christianson, Towner.	Thos. A. Toner, Rugby.
RAMSEY COUNTY BAR ASSOCIATION.	Silver Serungard, Devils Lake.	E. F. Flynn, Devils Lake.
BAR ASSOCIATION OF THE SECOND JUDICIAL DISTRICT OF NORTH DAKOTA.	John Burke, Devils Lake.	W. H. Thomas, Leeda.
STUTSMAN COUNTY BAR ASSOCIATION.	Marion Conklin, Jamestown.	Oscar J. Sellar, Jamestown.
WALSH COUNTY BAR ASSOCIATION.	C. A. M. Spencer, Minot.	J. E. Gray, Grafton.
WARD COUNTY BAR ASSOCIATION.	H. J. Schall, Minot.	G. W. Twiford, Minot.
WILLIAMS COUNTY BAR ASSOCIATION.	Frank E. Fisk, Williston.	Edwin A. Palmer, Williston.

OHIO.

NAME.	PRESIDENT.	SECRETARY.
Ohio State Bar Association.	Frederick L. Taft, Cleveland.	G. H. Stewart, Jr., Columbus.
AKRON BAR ASSOCIATION.	W. E. Slabaugh, Akron.	Edwin W. Brouse, Akron.
ALLEN COUNTY BAR ASSOCIATION.	John W. Roby, Lima.	Kent W. Hughes, Lima.
ASHLAND COUNTY LAW LIBRARY ASSOCIATION.	C. P. Winbigler, Ashland.	J. P. Taggart, Ashland.
ATHENS COUNTY BAR ASSOCIATION.	C. H. Grosvenor, Athens.	J. P. Wood, Jr., Athens.
AUGLAIZE COUNTY LAW LIBRARY AND BAR ASSOCIATION.	L. N. Blume, Wapakoneta.	F. M. Horn, Wapakoneta.
BUTLER COUNTY LAW LIBRARY ASSOCIATION.	Ben Harwitz, Middletown.	Harry S. Wonnell, Hamilton.
CINCINNATI BAR ASSOCIATION.	Rupert B. Smith, Cincinnati.	Stanley Merrell, Cincinnati.
CLEVELAND BAR ASSOCIATION.	Thomas L. Johnson, Cleveland.	Edward A. Binyon, Cleveland.
COLUMBIANA COUNTY BAR ASSOCIATION, SOUTHERN.	P. M. Smith, Wellsville.	Walter B. Hill, East Liverpool.
FINDLAY BAR ASSOCIATION.	W. H. Knider, V. P., Findlay.	John E. Priddy, Findlay.
FRANKLIN COUNTY BAR ASSOCIATION.	Q. R. Lane, Columbus.	G. H. Stewart, Jr., Columbus.
HARRISON COUNTY BAR ASSOCIATION.	David Cunningham, Cadiz.	William T. Perry, Cadiz.
HENRY COUNTY BAR ASSOCIATION.	Martin Knapp, Napoleon.	James P. Ragan, Napoleon.
LAKE COUNTY LAW LIBRARY ASSOCIATION.	G. N. Tuttle, Painesville.	B. C. Shepherd, Painesville.
LICKING COUNTY BAR ASSOCIATION.	Charles H. Kibler, Newark.	Charles W. Seward, Newark.
LOBAIN COUNTY BAR ASSOCIATION.	Geo. H. Chamberlain, Elyria.	A. M. Lawrence, Elyria.
MAHONING COUNTY BAR ASSOCIATION.	J. R. Johnston, Youngstown.	Guy T. Ohl, Youngstown.
MARION COUNTY BAR ASSOCIATION.	William Z. Davis, Columbus.	William E. Scofield, Marion.
MIAMI COUNTY BAR ASSOCIATION.	George S. Long, Troy.	F. C. Goodrich, Troy.
MONTGOMERY COUNTY BAR ASSOCIATION.	Robt. C. Patterson, Dayton.	Chas. J. Brennan, Dayton.

OHIO—Continued.

NAME.	PRESIDENT.	SECRETARY.
PAULDING COUNTY BAR ASSOCIATION.	Wilson H. Snook, Paulding.	W. F. Corbett, Paulding.
PEEBLE COUNTY BAR AND LAW LIBRARY ASSOCIATION.	A. C. Risinger, Eaton.	Edith Hart, Eaton.
SANDUSKY COUNTY BAR ASSOCIATION.	Basil Meek, Fremont.	David B. Love, Fremont.
SENECA COUNTY BAR ASSOCIATION.	Nelson L. Brewer, Tiffin.	Milton Saylor, Tiffin.
SPRINGFIELD BAR AND LAW LIBRARY ASSOCIATION.	Horace C. Keffer, Springfield.	Golden C. Davis, Springfield.
STARK COUNTY BAR ASSOCIATION.	Isaac H. Taylor, Canton.	Ed. L. Smith, Canton.
TOLEDO BAR ASSOCIATION.	Elmer E. Davis, Toledo.	Leigh W. Storey, Toledo.
TRUMBULL LAW LIBRARY ASSOCIATION.	Homer E. Stewart, Warren.	Jay Buchwalter, Warren.
UNION COUNTY BAR ASSOCIATION.	Leonidas Piper, Marysville.	J. H. Kinkade, Marysville.
WARREN COUNTY BAR ASSOCIATION.	J. A. Runyan, Lebanon.	George W. Stanley, Lebanon.
WASHINGTON COUNTY BAR ASSOCIATION.	A. D. Follett, Marietta.	R. A. Underwood, Marietta.

OKLAHOMA.

OKLAHOMA STATE BAR ASSOCIATION.	T. J. Womack, Alva.	Clinton O. Bunn, Oklahoma City.
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OREGON.

Oregon Bar Association.	Wirt Minor, Portland.	Jerry Bronaugh, Portland.
CLACKAMAS COUNTY BAR ASSOCIATION.	Gordon E. Hayes, Oregon City.	W. S. U'Ren, Oregon City.
HOOD RIVER BAR ASSOCIATION.	A. J. Derby, Hood River.	Ernest C. Smith, Hood River.
LANE COUNTY BAR ASSOCIATION.	E. O. Potter, Eugene.	John M. Pipes, Eugene.
MARION COUNTY BAR ASSOCIATION.	John H. McNary, Salem.	Grant Corby, Salem.
MULTNOMAH BAR ASSOCIATION.	Harrison Allen, Portland.	Arthur Langguth, Portland.
UMATILLA COUNTY BAR ASSOCIATION.	James A. Fee, Pendleton.	James H. Raley, Pendleton.

PENNSYLVANIA.

NAME	PRESIDENT.	SECRETARY.
Pennsylvania Bar Association.	George R. Bedford, Wilkes-Barre.	William H. Staake, Philadelphia.
ADAMS COUNTY BAR ASSOCIATION.	Wm. McClean, Gettysburg.	D. P. McPherson, Gettysburg.
ALLEGHENY COUNTY BAR ASSOCIATION.	Wm. S. Miller, Pittsburgh.	Harry G. Tinker, Pittsburgh.
ARMSTRONG COUNTY BAR ASSOCIATION.	J. H. Painter, Kittanning.	John W. Rohrer, Kittanning.
LAW ASSOCIATION OF BEAVER COUNTY.	Frank E. Reader, New Brighton.	Charles R. May, Beaver Falls.
BEDFORD COUNTY BAR ASSOCIATION.	Alvin A. Little, Bedford.	B. F. Madore, Bedford.
BERKS COUNTY BAR ASSOCIATION.	Isaac Hiester, Reading.	Thomas K. Ledy, Reading.
BLAIR COUNTY BAR ASSOCIATION.	Wm. S. Hammond, Altoona.	J. Foster Muck, Altoona.
BRADFORD COUNTY BAR ASSOCIATION.	Rodney A. Mercur, Towanda.	Stephen H. Smith, Towanda.
BUCKS COUNTY BAR ASSOCIATION.	Harman Yerkes, Doylestown.	Henry A. James, Doylestown.
BUTLER COUNTY BAR ASSOCIATION.	J. D. McJunkin, Butler.	Thomas W. Watson, Butler.
CAMBRIA COUNTY BAR ASSOCIATION.	W. Horace Rose, Johnstown.	H. H. Myers, Ebensburg.
CAMERON COUNTY BAR ASSOCIATION.	J. C. Johnson, Emporium.	Jay Paul Felt, Emporium.
CARBON COUNTY BAR ASSOCIATION.	Edw. M. Mulhearn, Mauch Chunk.	Frank P. Sharkey, Mauch Chunk.
CENTRE COUNTY BAR ASSOCIATION.	Ellis L. Orvis, Bellefonte.	A. B. Kimport, Bellefonte.
CHESTER COUNTY LAW AND MISCELLANEOUS LIBRARY ASSOCIATION.	William M. Hayes, West Chester.	Thomas Lack, West Chester.
CLARION BAR ASSOCIATION.	David Lawson, Clarion.	W. D. Burns, Clarion.
CLEARFIELD COUNTY LAW ASSOCIATION.	Allison O. Smith, Clearfield.	Alfred Liveright, Clearfield.
CLEARFIELD LAW LIBRARY ASSOCIATION.	Smith V. Wilson, Clearfield.	W. C. Miller, Clearfield.
CLINTON COUNTY BAR ASSOCIATION.	C. S. McCormick, Lock Haven.	Howard M. Council, Lock Haven.

PENNSYLVANIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
WASHINGTON BAR ASSO- CIATION.	Robert W. Knox, Washington.	Edgar B. Murdoch, Washington.
WAYNE COUNTY BAR AS- SOCIATION.	Henry Wilson, Honesdale.	R. M. Stocker, Honesdale.
WAYNESBURG BAR ASSO- CIATION.	J. B. Donley, Waynesburg.	James J. Purnam, Waynesburg.
WESTMORELAND LAW AS- SOCIATION.	James S. Moorhead, Greensburg.	Ralph D. Hurst, Greensburg.
WILKES-BARRE LAW AND LIBRARY ASSOCIATION.	Alexander Farnham, Wilkes-Barre.	Joseph D. Coons, Wilkes-Barre.
WYOMING COUNTY BAR ASSOCIATION.	Jas. Wilson Pratt, Tunkhannock.	H. Stanley Harding, Tunkhannock.
YORK COUNTY BAR ASSO- CIATION.	Smyser Williams, York.	George Hay Kain, York.

RHODE ISLAND.

The Rhode Island Bar Association	Albert A. Baker, Providence.	Howard B. Gorham, Providence.
PROVIDENCE BAR CLUB.	Walter B. Vincent, Providence.	Edward I. Brownell, Providence.

SOUTH CAROLINA.

South Carolina Bar As- sociation.	John C. Sheppard, Edgefield.	John J. Earle, Columbia.
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SOUTH DAKOTA.

South Dakota Bar As- sociation.	Norman T. Mason, Deadwood.	Jno. H. Voorhees, Sioux Falls.
BROWN COUNTY BAR AS- SOCIATION.	A. W. Campbell, Aberdeen.	Charles M. Stevens, Aberdeen.
DAVISON COUNTY BAR ASSOCIATION.	J. L. Hannett, Mitchell.	H. E. Hitchcock, Mitchell.
MINNEHAHA COUNTY BAR ASSOCIATION.	U. S. G. Cherry, Sioux Falls.	Jno. H. Voorhees, Sioux Falls.

TENNESSEE.

Bar Association of Tennessee.	L. D. Smith, Knoxville.	Chas. H. Smith, Knoxville.
CHATTANOOGA BAR AND LAW LIBRARY AS- SOCIATION.	L. M. Thomas, Chattanooga.	T. T. Rankin, Chattanooga.
FRANKLIN COUNTY BAR ASSOCIATION.	George E. Banks, Jr., Winchester.	J. W. Crabtree, Winchester.

TENNESSEE—Continued.

NAME.	PRESIDENT.	SECRETARY.
MURFREESBORO BAR ASSOCIATION.	Horace E. Palmer, Murfreesboro.	Jesse W. Sparks, Murfreesboro.
WINCHESTER BAR AND LAW LIBRARY ASSOCIATION.	Jesse M. Littleton, Winchester.	I. W. Crabtree, Winchester.

TEXAS.

Texas Bar Association.	R. E. L. Saner, Dallas.	J. B. Cave, Austin.
AUSTIN BAR ASSOCIATION.	F. A. Williams, Austin.	James H. Hart, Austin.
DALLAS BAR ASSOCIATION.	T. T. Holloway, Dallas.	H. C. Jarrell, Dallas.

UTAH.

State Bar Association of Utah.	E. B. Critchlow, Salt Lake City.	Stephen L. Richards, Salt Lake City.
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VERMONT.

Vermont Bar Association.	James M. Tyler, Brattleboro.	John H. Mimms, Burlington.
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VIRGINIA.

Virginia State Bar Association.	J. F. Bullitt, Big Stone Gap.	John B. Minor, Richmond.
DANVILLE BAR ASSOCIATION.	A. C. Edmunds, Danville.	D. P. Withers, Danville.
LEE COUNTY BAR ASSOCIATION.	C. T. Duncan, Jonesville.	L. T. Hyatt, Jonesville.
NEWPORT NEWS BAR ASSOCIATION.	Robert G. Bickford, Newport News.	William C. Stuart, Newport News
NORFOLK AND PORTSMOUTH BAR ASSOCIATION.	C. W. Coleman, Portsmouth.	Alfred P. Thom, Jr., Norfolk.
PETERSBURG BAR ASSOCIATION.	George S. Bernard, Petersburg.	Robert Gilliam, Petersburg.
RICHMOND BAR ASSOCIATION.	E. M. Pilcher, Richmond.	Maurice A. Powers, Richmond.
BAR ASSOCIATION OF ROANOKE CITY.	J. A. Dupuy, Roanoke.	G. A. Wingfield, Roanoke.

WASHINGTON.

NAME	PRESIDENT.	SECRETARY.
Washington State Bar Association.	W. T. Dovell, Seattle.	C. Will Shaffer, Olympia.
ADAMS COUNTY BAR ASSOCIATION.	G. E. Lovell, Ritzville.	John Truax, Ritzville.
ASOTIN COUNTY BAR ASSOCIATION.	Geo. W. Bailey, Asotin.	John C. Applewhite, Asotin.
BENTON COUNTY BAR ASSOCIATION.	Bert Linn, Prosser.	M. M. Moulton, Kennewick.
CHEHALIS COUNTY BAR ASSOCIATION.	E. E. Boner, Aberdeen.	E. A. Philbrick, Hoquiam.
CLARKE COUNTY BAR ASSOCIATION.	A. L. Miller, Vancouver.	H. L. Parcel, Vancouver.
COWLITZ COUNTY BAR ASSOCIATION.	C. Kalahan, Kalama.	W. G. Drowley, Kalama.
FERRY COUNTY BAR ASSOCIATION.	Charles P. Bennett, Republic.	Frank M. Allyn, Republic.
GARFIELD COUNTY BAR ASSOCIATION.	E. V. Kuykendall, Pomeroy.	G. W. Jewett, Pomeroy.
GRANT COUNTY BAR ASSOCIATION.	W. E. Southard, Wilson Creek.	O. A. Kuck, Ephrata.
JEFFERSON COUNTY BAR ASSOCIATION.	A. R. Coleman, Pt. Townsend.	U. D. Gnagey, Pt. Townsend.
KING COUNTY BAR ASSOCIATION.	Orange Jacobs, Seattle.	John Arthur, Seattle.
KITTITAS BAR ASSOCIATION.	Austin Mires, Ellensburg.	C. R. Hovey, Ellensburg.
LEWIS COUNTY BAR ASSOCIATION.	David Stewart, Chehalis,	C. H. Forney, Chehalis.
LINCOLN COUNTY BAR ASSOCIATION.	H. N. Martin, Davenport.	C. A. Pettijohn, Davenport.
PACIFIC COUNTY BAR ASSOCIATION.	John A. Welsh, South Bend.	Sol. Smith, South Bend.
SEATTLE BAR ASSOCIATION.	Wm. G. Gorham, Seattle.	Chas. A. Spirk, Seattle.
SKAGIT COUNTY BAR ASSOCIATION.	J. C. Waugh, Mt. Vernon.	Dave Hammack, Mt. Vernon
SNOHOMISH COUNTY BAR ASSOCIATION.	J. Y. Kennedy, Everett.	Benj. W. Sherwood, Everett.
SPOKANE BAR ASSOCIATION.	Lester P. Edge, Spokane.	C. D. St. Morris, Spokane.

WASHINGTON—Continued.

NAME.	PRESIDENT.	SECRETARY.
STEVENS COUNTY BAR ASSOCIATION.	W. H. Jackson, Colville.	Howard W. Stull, Colville.
TACOMA BAR ASSOCIATION.	W. Carr Morrow, Tacoma.	J. H. McMenamin, Tacoma.
THURSTON COUNTY BAR ASSOCIATION.	Byron Millett, Olympia.	George R. Bigelow, Olympia.
WALLA WALLA BAR ASSOCIATION.	W. H. Dunphy, Walla Walla.	W. B. Mitton, Walla Walla.
WENATCHEE BAR ASSOCIATION.	R. S. Ludington, Wenatchee.	B. J. Williams, Wenatchee.
WHATCOM COUNTY BAR ASSOCIATION.	T. G. Newman, Bellingham.	Alfred T. Black, Jr., Bellingham.
WHITMAN COUNTY BAR ASSOCIATION.	John W. Matthews, Pullman.	H. M. Love, Colfax.
YAKIMA COUNTY BAR ASSOCIATION.	Ira P. Englehart, North Yakima.	D. V. Morthland, North Yakima.

WEST VIRGINIA.

West Virginia Bar Association.	B. F. Keller, Charleston.	Charles McCamie, Wheeling.
BERKELEY COUNTY BAR ASSOCIATION.	A. C. Nadenbousch, Martinsburg.	L. DeW. Gerhardt, Martinsburg.
BRAXTON COUNTY BAR ASSOCIATION.	W. E. Haymond, Sutton.	W. L. Armstrong, Sutton.
CLARKSBURG BAR ASSOCIATION.	Millard F. Snider, Clarksburg.	Philip P. Steptal, Clarksburg.
BAR ASSOCIATION OF THE CITY OF CHARLESTON.	C. C. Watts, Charleston.	Buckner Clay, Charleston.
LEWIS COUNTY BAR ASSOCIATION.	W. W. Brannon, Weston.	Robt. L. Bland, Weston.
MARION COUNTY BAR ASSOCIATION.	B. L. Butcher, Fairmont.	Ira L. Smith, Fairmont.
MARSHALL COUNTY BAR ASSOCIATION.	J. C. Simpson, Moundsville.	A. L. Hooton, Moundsville.
MCDOWELL COUNTY BAR ASSOCIATION.	William W. Hughes, Welch.	George W. Howard, Welch.
MERCER COUNTY BAR ASSOCIATION.	John R. Henry, Princeton.	J. W. Crockett, Bluefield.
MINERAL COUNTY BAR ASSOCIATION.	Wm. C. Clayton, Keyser.	H. K. Drane, Piedmont.
MONONGALIA COUNTY BAR ASSOCIATION.	L. V. Kech, Morgantown.	John Shriver, Morgantown.

WEST VIRGINIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
OHIO COUNTY BAR ASSO- CIATION.	Wm. Erskine, Wheeling.	A. G. Fickelson, Wheeling.
PHILIPPI BAR ASSOCIA- TION.	J. Hop. Woods, Philippi.	Harry H. Byrer, Philippi.
RANDOLPH COUNTY BAR ASSOCIATION.	James A. Bent, Elkins.	W. E. Baker, Elkins.
ST. MARYS BAR ASSO- CIATION.	Jno. F. Barron, St. Marys.	J. C. Noland, St. Marys.
TAYLOR COUNTY BAR AS- SOCIATION.	M. H. Dent, Grafton.	O. E. Wyckoff, Grafton.
TUCKER COUNTY BAR AS- SOCIATION.	C. O. Streebey, Davis.	D. E. Cuppett, Thomas.
UPSHUR COUNTY BAR AS- SOCIATION.	A. M. Poundstone, Buckhannon.	W. B. Nutter, Buckhannon.
WETZEL COUNTY BAR AS- SOCIATION.	M. R. Morris, New Martinsville.	L. V. McIntire, New Martinsville.
WOOD COUNTY BAR ASSO- CIATION.	F. H. McGregor, Parkersburg.	J. Robert Anderson, Parkersburg.

WISCONSIN.

State Bar Association of Wisconsin.	M. A. Hurley, Wausau.	Rollin Mallory, Milwaukee.
DANE COUNTY LEGAL AS- SOCIATION.	Burr W. Jones, Madison.	John A. Aylward, Madison.
EAU CLAIRE COUNTY BAR ASSOCIATION.	Ira B. Bradford, Augusta.	Frank R. Farr, Eau Claire.
LA CROSSE BAR ASSOCIA- TION.	Benjamin F. Bryant, La Crosse.	John Brindley, La Crosse.
MILWAUKEE BAR ASSO- CIATION.	Christian Doerfler, Milwaukee.	Leopold Hammel, Milwaukee.
ROCK COUNTY BAR ASSO- CIATION.	John Cunningham, Janesville.	Arthur M. Fisher, Janesville.
WINNEBAGO COUNTY BAR ASSOCIATION.	Charles Barber, Oshkosh.	A. J. Barber, Oshkosh.

MEMORANDUM OF SUBJECTS REFERRED TO COMMITTEES

EXECUTIVE COMMITTEE.

- To have a topical index printed in connection with the Canons of Ethics. (Page 34.)
- To make appropriation for the John Marshall home in Richmond. (Page 49.)
- To have copies of addresses delivered before the Boston meeting printed in pamphlet form and distributed prior to the printing of the Annual Report to the members of the Association, senators, representatives and governors of the various states. (Pages 61, 62.)
- To establish a Committee of Professional Ethics similar, as far as may be, to the General Council of the Bar and the Statutory Committee of the Incorporated Law Society of England. (Page 50.)
- To adopt as the rules of order of the Association some standard work on parliamentary law.

STANDING COMMITTEES.

Jurisprudence and Law Reform.

- To recommit the fourth recommendation of the committee relating to the scientific formulation of the laws of the United States. (Page 17.)
- To recommit the original motion, omitting the preamble, on the salaries of the federal judiciary. (Pages 17, 18, 19, 26.)
- To ascertain the states in which innocent witnesses may be involuntarily detained, and determine whether such laws ought not to be condemned. (Page 50.)

To urge the passage of appropriate legislation for the protection of the accused in criminal cases, and to regulate the admission in evidence of confessions obtained from the accused. (Page 13.)

SPECIAL COMMITTEE.

To Suggest Remedies for Delays, etc.

To prepare a complete uniform system of law pleading in the federal and state courts, and for this purpose that a committee of five members be selected by the President to be known as "The Committee on Uniform Judicial Procedure." (Page 50.)

ANNUAL ADDRESSES

YEAR.	NAME.	SUBJECT.
1879.	EDWARD J. PHELPS.....	John Marshall.
1880.	CORTLANDT PARKER	Alexander Hamilton and William Paterson.
1881.	CLARKSON N. POTTER.....	Roger Brooke Taney.
1882.	ALEXANDER R. LAWTON.....	James Lewis Petigru and Hugh Swinton Legaré.
1883.	JOHN W. STEVENSON.....	James Madison.
1884.	JOHN F. DILLON.....	American Institutions and Laws.
1885.	GEORGE W. BIDDLE.....	An Inquiry into the Proper Mode of Trial.
1886.	THOMAS J. SEMMES.....	The Civil Law and Codification.
1887.	HENRY HITCHCOCK.....	General Corporation Laws.
1888.	GEORGE HOADLY	Codification.
1889.	SIMEON E. BALDWIN.....	The Centenary of Modern Government.
1890.	JAMES C. CARTER.....	The Ideal and the Actual in the Law.
1891.	ALFRED RUSSELL	Avoidable Causes of Delay and Uncertainty in our Courts.
1892.	J. RANDOLPH TUCKER.....	British Institutions and American Constitutions.
1893.	HENRY B. BROWN.....	The Distribution of Property.
1894.	MOORFIELD STOREY	The American Legislature.
1895.	WILLIAM H. TAFT.....	Recent Criticism of the Federal Judiciary.
1896.	LORD RUSSELL OF KILLOWEN, Lord Chief Justice of Eng- land	International Law and Arbitra- tion.
1897.	JOHN W. GRIGGS.....	Lawmaking.
1898.	JOSEPH H. CHOATE.....	Trial by Jury.
1899.	WILLIAM LINDSAY	Power of the United States to Acquire and Govern Foreign Territory.

YEAR.	NAME.	SUBJECT.
1885.	RICHARD M. VENABLE.....	Partition of Powers between the Federal and State Governments.
1885.	REUBEN C. BENTON.....	The Distinction between Legislative and Judicial Functions.
1885.	FRANCIS RAWLE	Car Trust Securities.
1886.	JOHNSON T. PLATT.....	The Opportunity for the Development of Jurisprudence in the United States.
1886.	WILLIAM P. WELLS.....	The Dartmouth College Case and Private Corporations.
1886.	JOHN F. DILLON.....	Law Reports and Law Reporting.
1887.	HENRY JACKSON	Indemnity the Essence of Insurance; Causes and Consequences of Legislation qualifying this Principle.
1887.	JAMES K. EDSALL.....	The Granger Cases and the Police Power.
1888.	J. RANDOLPH TUCKER.....	Congressional Power over Interstate Commerce.
1888.	J. M. WOOLWORTH.....	Jurisprudence Considered as a Branch of the Social Science.
1889.	HENRY B. BROWN.....	Judicial Independence.
1889.	WALTER B. HILL.....	The Federal Judicial System.
1890.	HENRY C. TOMPKINS.....	The Necessity for Uniformity in the Laws Governing Commercial Paper.
1890.	DWIGHT H. OLNSTEAD.....	Land Transfer Reform.
1890.	JOHN F. DUNCOMBE.....	Election Laws.
1891.	FREDERICK N. JUDSON.....	Liberty of Contract under the Police Power.
1891.	W. B. HORNBLOWER.....	The Legal Status of the Indian.
1892.	JOHN W. CARY.....	Limitations of the Legislative Power in Respect to Personal Rights and Private Property.
1892.	WILLIAM L. SNYDER.....	The Problem of Uniform Legislation.
1893.	HENRY WADE ROGERS.....	The Treaty-Making Power.
1893.	W. W. MCFARLAND.....	The Evolution of Jurisprudence.
1893.	U. M. ROSE.....	Trusts and Strikes.
1894.	HAMPTON L. CABSON.....	Great Dissenting Opinions.

YEAR.	NAME.	SUBJECT.
1894.	CHARLES CLAFLIN ALLEN....	Injunction and Organized Labor.
1895.	WILLIAM WIET HOWE.....	Historical Relation of the Roman Law to the Law of England.
1895.	RICHARD WAYNE PARKER....	The Tyrannies of Free Government, or the Modern Scope of Constitutional Guarantees of Liberty and Property.
1896.	JAMES M. WOOLWORTH.....	The Development of the Law of Contracts.
1896.	JOSEPH B. WARNER.....	The Responsibilities of the Lawyer.
1896.	MONTAGUE CRACKANTHORPE, of the English Bar.....	The Uses of Legal History.
1897.	ROBERT MATHER	Constitutional Construction and the Commerce Clause.
1897.	EUGENE WAMBAUGH	The Present Scope of Government.
1898.	LYMAN D. BREWSTER.....	Uniform State Laws.
1898.	L. C. KRAUTHOFF.....	Malice as an Ingredient of a Civil Cause of Action.
1899.	EDWARD Q. KEASBEY.....	New Jersey and the Great Corporations.
1899.	SIR WM. RANN KENNEDY, Judge of the English High Court	The State Punishment of Crime.
1900.	EDWARD AVERY HARRIMAN...	<i>Ultra Vires</i> Corporation Leases.
1900.	JOHN BASSETT MOORE.....	A Hundred Years of American Diplomacy.
1900.	RICHARD M. VENABLE.....	Growth or Evolution of Law.
1901.	RICHARD C. DALE.....	Implied Limitations upon the Exercise of the Legislative Power.
1901.	HENRY D. ESTABROOK.....	The Lawyer, Hamilton.
1901.	CHARLES J. HUGHES, JR.....	The Evolution of Mining Law.
1901.	PLATT ROGERS	The Law of New Conditions— Illustrated by the Law of Irrigation.
1902.	M. D. CHALMERS, Parliamentary Counsel to the Treasury (England)...	Codification of Mercantile Law.
1902.	AMASA M. EATON.....	The Origin of Municipal Incorporation in England and in the United States.

YEAR.	NAME	SUBJECT.
1902.	EMLIN McCLAIN	The Evolution of the Judicial Opinion.
1903.	SIR FREDERICK POLLOCK, . of the English Bar.....	English Law Reporting.
1903.	WILLIAM A. GLASGOW, JR....	A Dangerous Tendency of Legislation.
1904.	J. M. DICKINSON.....	The Alaskan Boundary Case.
1904.	BENJAMIN F. ABBOTT.....	To what Extent will a Nation Protect its Citizens in Foreign Countries?
1905.	RICHARD LOCKHART HAND....	Government by the People.
1906.	ROSCOE POUND	The Causes of Popular Dissatisfaction with the Administration of Justice.
1906.	JOHN J. JENKINS.....	Can Congress Transfer to the States its Power to Regulate Commerce?
1906.	THOMAS J. KERNAN.....	The Jurisprudence of Lawlessness.
1906.	GEORGE B. DAVIS.....	Some Recent Progress in International Law.
1907.	CHARLES F. AMIDON.....	The Nation and the Constitution.
1907.	CHARLES A. PROUTY.....	A Fundamental Defect in the Act to Regulate Commerce.
1908.	CORNELIUS H. HANFORD.....	National Progression and the Increasing Responsibilities of Our National Judiciary.
1908.	EDGAR H. FARRAR....	The Extension of the Admiralty Jurisdiction by Judicial Interpretation.
1908.	FREDERICK BAUSMAN	Are Our Laws Responsible for the Increase of Violent Crime?
1909.	GEORGES BARBEY	French Family Law.
1909.	JULIAN W. MACK.....	Juvenile Courts.
1909.	WILLIAM L. CARPENTER.....	Courts of Last Resort.
1910.	W. A. HENDERSON.....	The Development of the Honorarium.
1910.	CHARLES W. MOORES.....	The Career of a Country Lawyer—Abraham Lincoln.
1911.	JUSTICE HENRY B. BROWN, Retired.....	The New Federal Judicial Code.
1911.	ROBERT S. TAYLOR	Equity Rule 33, 34 and 35.

PAPERS READ

SECTION OF LEGAL EDUCATION

YEAR.	NAME.	SUBJECT.
1893.	AUSTIN ABBOTT	Existing Questions of Legal Education.
1893.	SAMUEL WILLISTON	Legal Education.
1893.	EMLIN MCCLAIN	The Best Method of Using Cases in Teaching Law.
1894.	HENRY WADE ROGERS.....	Annual Address as Chairman.
1894.	JOHN F. DILLON.....	The True Professional Ideal.
1894.	JOHN D. LAWSON.....	Some Standards of Legal Education in the West.
1894.	SIMMON E. BALDWIN.....	Law School Libraries, and How to Use Them.
1894.	WOODBOW WILSON	Legal Education of Undergraduates.
1894.	JOHN H. WIGMORE.....	A Principal of Orthodox Legal Education.
1894.	EDMUND WETMORE	Some of the Limitations and Requirements of Legal Education in the United States.
1894.	WILLIAM A. KEENER.....	The Inductive Method in Legal Education.
1895.	JAMES B. THAYER.....	Address as Chairman, on The Teaching of English Law at Universities.
1895.	ERNEST W. HUFFCUT.....	The Relation of the Law School to the University.
1895.	DAVID J. BREWER.....	A Better Education the Great Need of the Profession.
1895.	LYMAN ABBOTT	The Relation of Law to Our National Development.
1895.	NATHAN S. DAVIS.....	The Importance of the Study of Medical Jurisprudence by Students of Law, and the Extent to which it should be Taught in Schools and Colleges for the Education of such Students.
1896.	EMLIN MCCLAIN.....	Address as Chairman, on The Law Curriculum.

YEAR.	NAME.	SUBJECT.
1896.	CHARLES M. CAMPBELL.....	The Necessity and Importance of the Study of Common-Law Procedure in Legal Education.
1896.	BLEWETT LEE	Teaching Practice in Law Schools.
1896.	JAMES FAIRBANKS COLBY....	The Collegiate Study of Law.
1896.	AUSTEN G. FOX.....	Two Years' Experience of the New York State Board of Law Examiners.
1896.	J. W. POWELL.....	On Primitive Institutions.
1896.	JOHN RANDOLPH TUCKER....	What is the Best Training for the American Bar of the Future?
1896.	GEORGE HENRY EMMOTT....	Legal Education in England.
1897.	HENRY E. DAVIS.....	Primitive Legal Conceptions in Relation to Modern Law.
1897.	JOHN A. FINCH.....	The Law of Insurance in the Law School.
1897.	CHARLES NOBLE GREGORY....	The Wage of the Law Teacher.
1898.	SIMEON E. BALDWIN.....	Address as Chairman, on the Re-adjustment of the Collegiate to the Professional Course.
1898.	EDWARD A. HARRIMAN.....	Educational Franchises.
1898.	CHARLES W. NEEDHAM.....	Schools of Law: The Subjects, Order and Method of Study.
1899.	WILLIAM WIST HOWE.....	Address as Chairman, on The Study of Comparative Jurisprudence.
1899.	THOMAS BARCLAY	The Teaching of the Law in France.
1899.	N. W. HOYLES, Q. C.....	Legal Education in Canada.
1899.	JOSEPH WALTON, Q. C.....	Notes on the Early History of Legal Studies in England.
1900.	CHARLES NOBLE GREGORY....	Address as Chairman, on the State of Legal Education in the World.
1900.	HARRY B. HUTCHINS.....	The Law School as a Factor in University Education.
1900.	WILLIAM DRAPER LEWIS....	The Proper Preparation for the Study of Law.
1901.	NATHAN ABBOTT	The Undergraduate Study of Law.

YEAR.	NAME.	SUBJECT.
1901.	CLARENCE D. ASHLEY.....	Legal Education and Preparation Therefor.
1901.	RALEIGH C. MINOR.....	The Graduating Examination in the Law School.
1901.	HARRY SANGER RICHARDS....	Shall Law Schools Give Credit for Office Study?
1901.	WILLIAM P. ROGERS.....	Is Law a Field for Woman's Work?
1902.	ERNEST W. HUFFCUT.....	A Decade of Progress in Legal Education.
1902.	HENRY S. REDFIELD.....	A Defect in Legal Education.
1902.	FRANKLIN M. DANAHY.....	Courses of Study for Law Clerks.
1903.	LAWRENCE MAXWELL, JR....	Examinations for the Bar.
1903.	JAMES B. SCOTT.....	The Place of International Law in Legal Education.
1904.	JAMES BARR AMES.....	Address as Chairman; Reviewing the actions on legal education of the Association, the Committees on Legal Education and the Section of Legal Education, since 1879.
1904.	GEORGE W. KIRCHWEY.....	The Education of the American Lawyer.
1905.	LAWRENCE MAXWELL, JR.,...	Address as Chairman; Advocating a higher standard of general education for admission to the Bar.
1905.	NATHAN ABBOTT	Some Questions before American Law Schools.
1905.	JAMES PARKER HALL.....	Practice Work and Elective Studies in the Law School.
1905.	LUCIEN H. ALEXANDER.....	Some Admission Requirements Considered Apart from Educational Standards.
1906.	WILLIAM DRAPER LEWIS....	Address as Chairman; Legal Education and the Failure of the Bar to Perform its Public Duties.
1906.	EUGENE A. GILMORE.....	The Relation of the University to Professional Instruction in Law.
1906.	MARK NORRIS	Some Notions about Legal Education.

YEAR.	NAME.	SUBJECT.
1906.	GEORGE W. WALL.....	The State Bar Examiner and the Law School.
1907.	ROSCOE POUND	Address as Chairman; The Need of a Sociological Jurisprudence.
1907.	WILLIAM R. VANCE.....	Legal Education in the South.
1908.	SAMUEL WILLISTON	Address as Chairman; The Necessity of Idealism in Teaching Law.
1908.	WILLIAM SCHOFIELD	The Relation of the Law Schools to the Courts.
1908.	KARL VON LEWINSKI.....	The Education of a German Lawyer.
1908.	ANDREW A. BRUCE.....	The Relation of the Bar Examiner to the Law School and Legal Education.
1909.	HARRY S. RICHARDS.....	Address as Chairman: Neglected Phases of Legal Education.
1909.	FRANKLIN M. DANAHY.....	Some Suggestions for Standard Rules for Admission to the Bar.
1909.	JAMES PARKER HALL.....	The Study of Law by Correspondence.
1910.	WILLIAM O. HART.....	Address as Chairman.
1910.	EDWARD S. COX-SINCLAIR....	Requirements for Admission to the Bar in Great Britain and Her Possessions.
1910.	ANDREW R. McMASTER.....	Regulations Governing Admission to the Bar in the Province of Quebec, Canada.
1910.	MANUEL RODRIGUEZ-SERRA....	Admission of Attorneys from the Spanish Standpoint.
1911.	SIMON E. BALDWIN	The Study of Roman Law in American Law Schools.
1911.	C. LA RUE MUNSON	In Memoriam: George Matthews Sharp, LL. D., Chairman-Elect. 1910-11.
1911.	FREDERIC R. COUDEST	The Crisis of the Law and Professional Incompetency.
1911.	JOHN B. SANBORN	Law Schools and Admission to the Bar.

PAPERS READ

SECTION OF PATENT LAW

YEAR.	NAME.	SUBJECT.
1895.	R. S. TAYLOR.....	Patent Law and Practice.
1899.	JAMES H. RAYMOND.....	Address as Chairman.
1899.	LESTER L. BOND.....	Preliminary Injunctions.
1899.	FREDERICK P. FISH.....	The Conditions under which Preliminary Injunctions in Patent Causes should be Granted or Refused.
1899.	E. B. SHERMAN.....	Masters in Chancery.
1899.	ARTHUR STEUART	What Constitutes Invention in the Sense of the Patent Law.
1899.	ROBERT S. TAYLOR.....	Shall There be One or More Special Courts of Last Resort in Patent Causes.
1900.	FREDERICK P. FISH.....	Address as Chairman.
1900.	LYSANDER HILL	Unfair Competition in Trade.
1900.	ARTHUR STEUART	Copyright for Design.
1902.	LESTER L. BOND.....	Address as Chairman.
1902.	ARTHUR P. GREELEY.....	Pending Trade-Mark Legislation.
1902.	ARTHUR STEUART	Trade Marks: Criminal Remedy.
1902.	LYSANDER HILL	Preliminary Injunction in Patent Suits.
1902.	HAROLD BINNEY	History and Present Status of the Law Relating to Designs.
1902.	ARTHUR S. BROWNE.....	Patent Litigation from the Expert's Standpoint.
1902.	CHARLES MARTINDALE	Evils of the Present System of Producing Evidence in Equity Causes and a Remedy Therefor.
1902.	MELVILLE CHURCH	Is the Entire Jurisdiction of the Circuit Courts in the Matter of Suits for the Infringement of Patents Defined by the Act of March 3, 1897?

YEAR.	NAME.	SUBJECT.
1903.	ROBERT H. PARKINSON.....	Concerning Federal Trade-Mark Legislation: Its Needs, Whence and What the Power.
1903.	J. NOTA MCGILL.....	Liability of Officers of a Corporation for Infringement of a Patent.
1904.	EDMUND WETMORE	Address as Chairman, on Some Suggestions as to Reform in Practice and Procedure in Patent Cases in the Federal Courts.
1904.	WILLIAM W. DODGE.....	A Brief Review of Legislation Proposed at the Latest Session of Congress Pertinent to Patents and Trade-Marks.
1905.	CHARLES H. DUELL.....	Are any changes Desirable in Our Patent System?
1905.	JOSEPH B. CHURCH.....	Needed Reforms in Interference Practice.
1906.	OTTO R. BARNETT.....	The Evolution of the Law of Unjust Trade and Unfair Competition.
1907.	ARTHUR STEUART	Common Law Copyright.
1908.	WALLACE R. LANE	Certain Phases of the Prima Facie Rights of the Patentee.
1908.	J. NOTA MCGILL.....	Abolition of Interference Causes in the Patent Office.
1908.	DOUGLAS DYRENFORTH	The Law's Promise to the Patentee and Its Fulfillment.
1909.	JOHN W. HILL.....	Looking Forward.
1910.	HUGH K. WAGNER.....	Mechanical Equivalents.
1910.	GEORGE A. KING.....	Liability of the United States for Use of Patented Inventions; with Special Reference to the Act of Congress Entitled "An Act to Provide Additional Protection for Owners of Patents of the United States and for Other Purposes."
1911.	EDWARD J. PRINDLE	The Relation of the Doctrine of Equivalents to the Interpretation of Claims of Patents.

PAPERS READ COMPARATIVE LAW BUREAU

YEAR.	NAME.	SUBJECT.
1908.	SIMEON E. BALDWIN.....	Address as Director: Current Events in World-Legislation and World-Jurisprudence.
1909.	SIMEON E. BALDWIN.....	Address as Director.
1910.	SIMEON E. BALDWIN.....	Address as Director.
1911.	SIMEON E. BALDWIN	Address as Director.

PAPERS READ

CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

YEAR.	NAME	SUBJECT.
1904.	AMASA M. EATON.....	Address as President, on the Negotiable Instruments Law, The Torrens System, Uniform Partnership Act, Marriage and Divorce Laws.
1904.	HORACE L. WILSON.....	Should there be a Federal Incorporation Law for Commercial Corporations?
1905.	AMASA M. EATON.....	Address as President, on Marriage and Divorce Laws, Desertion and Non-Support Laws, and the Negotiable Instruments Law.
1906.	AMASA M. EATON.....	Address as President, on Recent Changes in the Statute Laws of the States Promoting Uniformity of Legislation; Uniform Divorce Law, and Decisions on the Negotiable Instruments Law.
1907.	AMASA M. EATON.....	Address as President, on The National Congress on Uniform Divorce Laws, and Decisions on the Negotiable Instruments Law.
1908.	AMASA M. EATON.....	Address as President, on the Constitutionality of the Uniform Bills of Lading Act; on Uniform Law Reporting and Decisions on the Negotiable Instruments Law.
1909.	AMASA M. EATON.....	Address as President, on the Attitude of the Bench and Bar towards the Negotiable Instruments Law.
1910.	WALTER GEORGE SMITH.....	Address as President.
1911.	WALTER GEORGE SMITH	Address as President, on Progress of Uniform Legislation.

PAPERS READ
CONFERENCE OF STATE BOARDS OF LAW
EXAMINERS

YEAR.	NAME.	SUBJECT.
1904.	LUCIUS H. PERKINS.....	The State Board—A Landmark in Lawyer-Making.
1904.	HOLLIS R. BAILEY.....	Practical Suggestions for the Conduct of Bar Examinations.
1904.	W. E. WALZ.....	The Bar Examination from the Standpoint of the Law School Student.

OFFICERS OF
SECTION OF LEGAL EDUCATION

1911-1912.

HOLLIS R. BAILEY, *Chairman*,
Boston, Massachusetts.

CHARLES M. HEPBURN, *Secretary*,
Indiana University, Bloomington, Indiana.

FORMER OFFICERS.

1893-94—HENRY WADE ROGERS, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1894-95—*JAMES BRADLEY THAYER, *Chairman*

GEORGE M. SHARP, *Secretary*.

1895-96—EMLIN MCCLAIN, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1896-97—*EDWARD J. PHELPS, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1897-98—SIMEON E. BALDWIN, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1898-99—*WILLIAM WIET HOWE, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1899-00—CHARLES NOBLE GREGORY, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1900-01—HARRY B. HUTCHINS, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1901-02—*ERNEST W. HUFFCUT, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1902-03—GEORGE W. KIRCHWEY, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1903-04—JAMES BARR AMES, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1904-05—LAWRENCE MAXWELL, JR., *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1905-06—WILLIAM DRAPER LEWIS, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1906-07—ROSCOE POUND, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1907-08—SAMUEL WILLISTON, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1908-09—HARRY S. RICHARDS, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1909-10—WILLIAM O. HART, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1910-11—*GEORGE M. SHARP, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

* Deceased.

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OFFICERS OF
SECTION OF PATENT, TRADE-MARK AND COPYRIGHT
LAW

1911-1912.

ROBERT S. TAYLOR, *Chairman*,
Indianapolis, Indiana.

OTTO R. BARNETT, *Secretary*,
1515 Monadnock Building, Chicago, Illinois.

FORMER OFFICERS.

1894-98—EDMUND WETMORE, *Chairman*.
WILMARTH H. THURSTON, *Secretary*.

1898-99—*JAMES H. RAYMOND, *Chairman*.
ARTHUR STEUART, *Secretary*.

1899-01—FREDERICK P. FISH, *Chairman*.
ARTHUR STEUART, *Secretary*.

1901-03—*LESTER L. BOND, *Chairman*.
MELVILLE CHURCH, *Secretary*.

1903-04—EDMUND WETMORE, *Chairman*.
MELVILLE CHURCH, *Secretary*.

1904-05—ROBERT S. TAYLOR, *Chairman*.
MELVILLE CHURCH, *Secretary*.

1905-06—ROBERT S. TAYLOR, *Chairman*.
MELVILLE CHURCH, *Secretary*.

1906-07—ROBERT S. TAYLOR, *Chairman*.
MELVILLE CHURCH, *Secretary*.

1907-08—ROBERT S. TAYLOR, *Chairman*.
OTTO R. BARNETT, *Secretary*.

1908-09—ROBERT S. TAYLOR, *Chairman*.
OTTO R. BARNETT, *Secretary*.

1909-10—ROBERT S. TAYLOR, *Chairman*.
OTTO R. BARNETT, *Secretary*.

1910-11—ROBERT S. TAYLOR, *Chairman*.
OTTO R. BARNETT, *Secretary*.

* Deceased.

OFFICERS OF
ASSOCIATION OF AMERICAN LAW SCHOOLS
1911-1912.

ROSCOE POUND, *President*,
Cambridge, Massachusetts.

GEORGE R. COSTIGAN, JR., *Secretary-Treasurer*,
Northwestern University, Chicago, Ill.

FORMER OFFICERS.

1900-01—*JAMES BRADLEY THAYER, *President*.

*ERNEST W. HUFFCUT, *Secretary-Treasurer*.

1901-02—EMLIN MCCLAIN, *President*.

*ERNEST W. HUFFCUT, *Secretary-Treasurer*.

1902-03—SIMMON E. BALDWIN, *President*.

*ERNEST W. HUFFCUT, *Secretary-Treasurer*.

1903-04—*ERNEST W. HUFFCUT, *President*.

WILLIAM P. ROGERS, *Secretary-Treasurer*.

1904-05—NATHAN ABBOTT, *President*.

WILLIAM P. ROGERS, *Secretary-Treasurer*.

1905-06—HENRY WADE ROGERS, *President*.

WILLIAM P. ROGERS, *Secretary-Treasurer*.

1906-07—WILLIAM P. ROGERS, *President*.

WILLIAM R. VANCE, *Secretary-Treasurer*.

1907-08—GEORGE W. KIRCHWEY, *President*.

WILLIAM R. VANCE, *Secretary-Treasurer*.

1908-09—CHARLES NOBLE GREGORY, *President*.

WILLIAM R. VANCE, *Secretary-Treasurer*.

1909-10—JOHN C. TOWNES, *President*.

WILLIAM R. VANCE, *Secretary-Treasurer*.

1910-11—WILLIAM R. VANCE, *President*.

GEORGE R. COSTIGAN, JR., *Secretary-Treasurer*.

OFFICERS OF THE
CONFERENCE OF STATE BOARDS OF LAW EXAMINERS
† 1904-1905.

L. J. NASH, *Temporary Chairman*,
Manitowoc, Wisconsin.

*LUCIUS H. PERKINS, *Temporary Secretary*.
Lawrence, Kansas.

* Deceased. † No session held in 1905, 1906, 1907, 1908, 1909,
1910 or 1911.

OFFICERS OF
CONFERENCE OF COMMISSIONERS ON UNIFORM
STATE LAWS

1911-1912.

WALTER GEORGE SMITH, *President*,
Philadelphia, Pa.

A. T. STOVALL, *Vice-President*,
Okolona, Miss.

CHARLES THADDEUS TERRY, *Secretary*,
100 Broadway, New York, New York.

M. GRUNTHAL, *Assistant Secretary*,
100 Broadway, New York, New York.

TALCOTT H. RUSSELL, *Treasurer*,
42 Church Street, New Haven, Connecticut.

FORMER OFFICERS.

The first Conference of Commissioners on Uniform State Laws was held at Saratoga Springs, New York, in August, 1892; the second at New York, New York, in November, 1892. Since then the Conference has been held annually at the place of and immediately preceding the meeting of the American Bar Association.

Presidents.

†1896-1900—*LYMAN D. BREWSTER.....Danbury, Connecticut.
1901-1909—AMASA M. EATON.....Providence, Rhode Island.
1909- —WALTER GEORGE SMITH.....Philadelphia, Pennsylvania

Secretaries.

1895-1898—FREDERIC J. STIMSON.....Boston, Massachusetts.
1898-1906—ALBERT E. HENSCHEL.....New York, New York.
1906- —CHARLES THADDEUS TERRY.New York, New York.

Assistant Secretaries.

1896-1898—ALBERT E. HENSCHEL.....New York, New York.
1898-1905—J. MOSS IVES.....Danbury, Connecticut.
1905-1906—GLEN DENNING B. GROESBECK,Cincinnati, Ohio.
1906-1907—BUCHANAN PERINCincinnati, Ohio.
1907-1910—FRANCIS A. HOOVER.....Cincinnati, Ohio.
1910- —M. GRUNTHALNew York, New York.

* Deceased.

† Prior to 1896 the Conference was presided over by a Chairman.

PROCEEDINGS
OF THE
SECTION OF LEGAL EDUCATION

Wednesday, August 30, 1911, 3 P. M.

In the absence of Governor Baldwin, of Connecticut, who had been appointed in the place of George M. Sharp, of Maryland, to act as Chairman of the Section, Francis Rawle, of Pennsylvania, was elected Chairman.

Henry Wade Rogers, of Connecticut:

I think I ought to state that the Chairman of the Section, Judge Sharp, is dead. After his death, Governor Baldwin was asked to accept the acting Chairmanship and prepare a paper. This invitation he accepted. At that time he expected that the Legislature of Connecticut would adjourn. He has prepared a paper and it will be read, but the fact that the Legislature of Connecticut did not adjourn has prevented his being here. This explanation is due to him.

In the absence of Mr. Hepburn, Mr. Thurston, of Illinois, was elected Secretary.

The paper prepared by Governor Baldwin was then read by H. H. Ingersoll, of Tennessee.

(The address follows these minutes, page 662.)

Henry Wade Rogers, of Connecticut, then read a tribute by C. LaRue Munson, of Pennsylvania, to Judge George M. Sharp, of Maryland, recently deceased.

The Chairman:

During all the years in which I was Treasurer of the American Bar Association I had peculiar opportunities of knowing the extent of Judge Sharp's work. He was insistent for funds to

carry on the work, and he was indefatigable in his efforts to make others labor. There can be no doubt that the work of the Law School Association and the work largely of this Section has been due very largely to his efforts. I personally am very grateful to him. When I look back and think what legal education was in my day, I can appreciate the great strides made in it. I think that to Judge Sharp, perhaps more than to any other man, excepting Professor Rogers, was the institution of this Section due.

W. O. Hart, of Louisiana :

One of the pleasantest moments of my life was last year when I had the honor of presiding over the Section in the election of Judge Sharp as my successor. I thought that his election was the beginning of a greater work by this Section. It was my hope that he would be re-elected for two more years, so that three years work as Chairman could round out what he had done so well in other capacities. Not until I received the program of this meeting did I know that he was with us no more. I know as to myself, and I feel it is so with many others in the room today, that the first interest in the work of legal education outside of the law schools was brought about by Judge Sharp, because it was through him that many of us affiliated ourselves with the Section.

The Chair then appointed H. H. Ingersoll, R. M. Hughes and Edward W. Lees a Committee to Nominate Officers for the ensuing year.

Next in order on the program came remarks on different aspects of the subject "The True Mission of State Boards of Bar Examiners, and Their Opportunity in Legal Education," by Frederic R. Coudert, of New York; John B. Sanborn, of Wisconsin and Andrew A. Bruce, of North Dakota.

The Chairman :

The Chair will ask Mr. Sanborn if he has prepared a paper. John B. Sanborn, of Wisconsin, then read his paper.

(The paper follows these minutes, page 671.)

H. H. Ingersoll, of Tennessee, then read a paper prepared by Frederic R. Coudert, of New York, entitled "The Crisis of the Law and Professional Incompetency."

(The paper follows these minutes, page 677.)

Andrew A. Bruce, of North Dakota, then read his paper.

(The paper follows these minutes, page 689.)

The Chairman:

There is to be a short paper by John R. Dos Passos, of New York, which is next in regular order.

Hollis R. Bailey, of Massachusetts:

I have a letter from Mr. Dos Passos under date of August 29, addressed to Secretary Hepburn, in which, after stating his inability to attend this meeting, he says:

"I feel that I should give you some information bearing upon the questions which you are to discuss. So far as New York is concerned, your discussion will be unnecessary. Very happily for the Bar of this state and the people of this country, we have succeeded in procuring our Court of Appeals to give us a set of new rules applicable to admissions to the Bar, and the following changes have been made:

"1. To those who are not graduates of a college or university, the course has been lengthened from three to four years, and persons receiving an education through the law schools must pass the last year of the four years in the office of a practicing attorney either before examination by the State Board of Law Examiners or after such examination, and prior to admission to the bar.

"2. The period of study of those who are graduates of a college or university is increased from two to three years.

"3. Persons who have been admitted to practice and who have practiced five years as members of the bar in any other state may, 'in the discretion of the Appellate Division' be admitted to practice without examination.

"I have consulted with members of the Appellate Division in relation to this clause, and it will be very difficult for persons to be admitted on the mere production of a certificate that they have been admitted and practiced for five years in another state. The Appellate Divisions, having discretion in the premises, will, I think, finally determine to inquire very strictly into the object and qualifications of persons seeking to be admitted without

examination. This view is confirmed by the provisions of Rule 10, which gives to the justices of the Appellate Division in each department the right to prescribe 'such additional special rules for ascertaining the moral and general fitness of applicants as to such justices may seem proper.'

"4. In the General Rules of Practice it is provided that 'no applicant shall be entitled to receive such a certificate (of admission to practice) who is not able to speak and write the English language intelligently, nor until he affirmatively establishes to the satisfaction of the committee that he possesses such a character as justifies his admission to the Bar and qualifies him to perform the duties of an attorney and counsellor-at-law.'

"5. The examinations conducted by the State Board of Law Examiners may be by oral or written questions and answers, or partly oral and partly written.

"6. Persons who have been admitted and have practiced for three years in another state may be admitted after examination, but must have studied law for a period of one year within this state, and must pursue such course of study by serving a clerkship or by attendance upon a law school as the applicant may elect.

"New York having taken the initiative, it is a mere matter of course, it seems to me, for all the other states to fall into line and to raise the standard of admission to the Bar to at least the extent adopted by us.

"The great questions of the present moment are the order and system of legal education to be followed. Here is room for much good work to be performed.

"With great respect this cannot be accomplished by reading essays at Bar Association meetings. A committee should be constituted solely charged with the preparation of an adequate curriculum. It should be made up of members who appreciate the importance of existing legal conditions and the relations which lawyers bear to society and to our Republic."

The Chairman:

The Section will be glad to listen to any discussion.

James O. Crosby, of Iowa:

If the object is to keep a man from practicing law until he shall be qualified in morals and legal knowledge, very well. The paper of the last gentleman suggests that the function of the Board of Bar Examiners should be regarded as of the first im-

portance. Now if a State Board of Bar Examiners is fully qualified for the discharge of its duties, there is the place first to ascertain whether the morals of the men applying for admission to the Bar are such as shall admit them to an examination. Then next the inquiry should be as to the legal knowledge of the applicants for admission to the Bar. Prior to the New York Code of 1848, all that a person beginning to study law in the State of New York was obliged to do was to file with a clerk of the Supreme Court a certificate that he had begun his course of study, and after he had continued studying for seven years, he was entitled to be examined for admission to the Bar. In 1848 that law was changed and the whole responsibility for ascertaining the qualifications of a student applying for admission to the Bar rested with the court or examiners appointed by the court. The idea of fixing a time that a student must pursue his studies, or a certain length of time that he should spend in a law school, may be all very well to increase the patronage of the law schools; but if the examiners are fully qualified, and discharge their duties properly, there is no necessity for requiring attendance in a three years course in a law school. After they had repealed the seven years requirement, in New York, any person of good moral character was entitled to be examined upon application to the court by examiners appointed by the court. I began studying law when I was 14 years old, so that I could be admitted when I was 21. I applied for examination after the law of 1848 had repealed the seven years requirement, and on the 9th of May, 1849, I was admitted to practice in the Supreme Court in the old capitol at Albany. Now, what office does this three years requirement perform aside from the patronage that it gives to the law school? For my part I am unable to see. In olden times the colleges and universities required a four years course. Upon a former occasion when this subject was under discussion, I mentioned Alexander Hamilton, who applied to Princeton University for the privilege of going through the course as soon as he could acquire it, and they would not take him. He then applied to King's College, now Columbia, and they permitted him to complete the course in as short a time as he could acquire

it, and in two years he accomplished the course and received his degree. There is a wide difference in men in respect of their capacity to acquire knowledge, whether legal or otherwise. Some men can do it much more rapidly than others, and this three years requirement is an injustice. Shakespeare never had three years training in any school. When you look at the authentic signatures of his, you may be very sure he never went to a writing school, and the world does not know that he ever went to school at all, to amount to anything. Yet what has he produced? The estimate of the world is that the Bible and Shakespeare are the two greatest books in the world. Now suppose this rule had been applied to Shakespeare. The education would have killed all his genius.

Lucien Hugh Alexander, of Pennsylvania:

Before adjournment the Committee on Standard Rules wishes to present its report.

The Chairman:

The report will be received. The discussion upon it is on the program for tomorrow afternoon.

H. H. Ingersoll, of Tennessee:

The Committee on Nominations report the following for officers for the ensuing year:

For Chairman: Francis Lynde Stetson, of New York.*

For Secretary: Charles M. Hepburn, of Indiana.

The persons named were then elected.

Francis Lynde Stetson, of New York:

I rise only to request that I be permitted to lay before the Section the Rules of the Court of Appeals in Relation to the Admission of Attorneys and Counselors-at-Law of the New York State Board of Law Examiners and General Rules of

* Shortly after the adjournment of the Section and immediately upon the official notification of his election, Mr. Stetson wrote that the demands of his current engagements and the state of his health, made it impossible for him to act as Chairman of the Section. The vacancy thus arising has been filled by the appointment of Mr. Hollis R. Bailey, of Massachusetts.

Practice, with a view to their convenient preservation in the records of the Section. I move you, sir, that they be incorporated in the records of this meeting.

The motion was adopted.

Adjournment.

SECOND DAY.

Thursday, August 31, 1911.

The Chairman, Francis Rawle, of Pennsylvania, called the meeting to order.

Henry Wade Rogers, of Connecticut:

A resolution was introduced at the meeting of the Section of Legal Education at Seattle, in reference to conferring the LL. B. degree. That resolution was referred to a Committee of Three—consisting of myself, as Chairman; Professor Gregory, who was then Dean of the Law School of the University of Iowa; and Mr. Costigan, who was then Dean of the Law School of the University of Nebraska. We considered the resolution which was referred to us, and made a report at the meeting of the Section in Detroit. There was no time at the Detroit meeting to consider it, and it went over. It should have been considered at the meeting in Chattanooga, but as it was impossible for me to be at Chattanooga last year, on account of my absence the matter was deferred until this year. I will simply read the two resolutions, without reading the report, because the report has been printed in the proceedings and no doubt those of you who are at all interested in the subject are familiar with it. The two resolutions are as follows:

First: *Resolved*, That the Section advise the American Bar Association that in its opinion the right to grant the LL. B. degree ought, in the United States, as in England and Scotland, to be restricted to schools in law having a three years course of study for that degree; and do further advise that schools having only a two years course for the degree should grant, as in Scotland, the degree of L. B. It further advises that schools having a course of only one year should not have the right to confer any law degree.

Second: *Resolved*, That the Section advises the American Bar Association that in its opinion it is desirable that the right to confer degrees should be regulated by a uniform law.

I am not going to make any speech on this subject, but I want to say by way of explanation that in England Oxford University does not grant a degree in law to any person who has not a degree in the arts or sciences and who has not studied law for three years; and that in Scotland there is a law which prohibits the granting of the LL. B. degree except to persons who have a degree in the arts or sciences and who have studied law for three years. That law provides that for persons who have studied only two years and who have no degree in arts or sciences, the degree in law shall be that of L. B.

F. M. Danaher, of New York:

What is their first degree, may I ask?

Henry Wade Rogers:

In Scotland the first degree is that of LL. B. At Oxford University in England the degree is that of B. C. L. In this country I do not think that there is today more than one law school, and there may not be any, which grants a degree at the end of one year. There were two law schools—one at Cumberland, Tennessee, and the other in Georgia, Mercer University, but I understand that Mercer University is now on a two years basis. I do not know anything about the U. Cumberland Law School, whether it is conferring the degree still at the end of one year's study. We do not think, in view of the action of the American Bar Association, that any law school on a one year basis would presume to grant any degree in law. I think there are about 25 law schools in the country today on a two years basis; some of them grant the L. B. degree and others of them grant the LL. B. degree. It hardly needs argument, we think, to justify the position of the committee in view of the action of the American Bar Association on this subject that those schools which persist in maintaining, against the advice of this Association, a two years course, should at least refrain from granting the LL. B. degree. If they wish to grant a degree, let it be the

Scotch degree, which differentiates between the two years course and the three years course.

This is the report of the committee, and I move the adoption of both resolutions which I have read.

The Chairman:

Is there any discussion?

Hollis R. Bailey, of Massachusetts:

I notice that the resolution does not undertake to cover the question of Evening Law Schools which give the LL. B. degree.

Henry Wade Rogers, of Connecticut:

That is something which we supposed need not be covered at this time.

The Chairman:

Professor Rogers, you spoke of some law covering the ground. Do you mean a statute law?

Henry Wade Rogers, of Connecticut:

Not necessarily. It may be easier to secure the agreement of the law schools upon the recommendation of the American Bar Association.

The Chairman:

Would it, in your opinion, be a good suggestion to say: Or by united action on the part of the law schools?

Henry Wade Rogers, of Connecticut:

Yes, I think it would; and I will accept that suggestion and incorporate it in the resolution.

The resolutions as amended were adopted.

The Chairman:

There was presented yesterday by Mr. Alexander, who has unfortunately been called away, the 1911 Report of the Committee on Standard Rules for Admission to the Bar. That is to be the subject of remarks by Mr. Bailey, and was to have been discussed also by Mr. Alexander; but, as Mr. Alexander is not here, I will call on Mr. Bailey to open the discussion.

Hollis R. Bailey, of Massachusetts:

Mr. Alexander, in the Conference that we had, thought it would be much more helpful to our committee if the discussion was confined largely to the members of the Section who are not on the committee, rather than for the members of the committee to occupy very much of the time, because the suggestion at the end of the report is that the committee be continued in office for another year with authority to send out the report as it is now today for still further suggestions with a view to a final report next year. I may add that the committee has felt that the slow progress which we seem to have been making is not objectionable because the information which has come in during the last year and which has been digested by the committee—which means by Mr Alexander, for he has done the work—and put in readable form and arranged in this report, will be very instructive and will be likely to bring out further information so that the committee some time during the coming year will be able to make a final report.

I move that the report be received and the committee continued in office with authority to carry out the suggestions contained on the last two pages of the report about circulating it and inviting further suggestions. On page 75 we say:

“It but remains to report that in conformity to the action of the Section at its last meeting, we have arranged to transmit this report to the members of the American Bar Association, to members of the State Boards of Bar Examiners, to the deans of all American law schools, etc., coupled with a request for further criticism and suggestions in the light of the additional information embodied in the report.”

We do not perhaps need much further authority to do what we propose to do, but we would like to be continued in office and be in a position to make a final report next year and with authority to circulate the report as suggested.

The motion was adopted.

Hollis R. Bailey, of Massachusetts:

There is present here Dean Irvine, of Cornell, who will represent the committee when I leave, and I desire to say that I hope

there will be a full expression of opinion as to these tentative rules. Some of them have already received commendation, and some have received condemnation. The committee, when it comes to consider finally its report, will consider the condemnatory suggestions as well as the commendatory suggestions.

There is one rule not formulated here which I wish to make the subject of a few remarks. At the meeting in Portland, Maine, some years ago I introduced a resolution that it would be a wise practice of the different Boards of Bar Examiners throughout the country in making their reports to the courts and in moving the admission of applicants who have been found qualified, to recommend *cum laude*, the first six, eight or ten, or some such suitable number, basing that report upon the merits of the different examination papers. That motion was referred to the committee of which I am now a member. There never has been anything much done about it, but I hope that something may be done sometime. I do not ask for any action at this meeting, but I do wish to bring the matter up and make a few observations concerning it. I was led to make that motion by information which I obtained in England, that for 15 or 20 years or more it had been the custom so to recommend four or five out of a class of fifty. There have been four examinations a year, *over there*. I am speaking now of the solicitors' examination, but what I say is equally true, I believe, of the barristers' examination. They have an examination at each term of court, and they examine usually between forty and fifty men, and four or five of them that do the best are recommended with distinction when they are admitted. The admission of barristers is in the Inns of Court and not in the court itself. The names of the first four or five who stand the highest are called first, and it is an honor which is much sought after and which tends to raise the standard of the profession. I may say that there they not only have the distinction of being called first, but there are money prizes, varying in amount from fifty dollars to one hundred dollars, awarded out of funds which have been contributed by various persons at different times who are interested in the subject of legal education. I was told that this is a great incentive to study on the

part of the students. In Massachusetts we have a very large number of applicants for admission to the Bar. At our last examination there were 303 applicants examined. A year ago we had 400 examined. I have suggested to the members of the Board in Massachusetts that it would be a good idea if we could do something of that sort here. Of course, we felt that we had no authority to do it without the sanction of the court. I talked the matter over with the late Dean Ames of the Harvard Law School, and he was very much in favor of it, saying that it was something that Massachusetts might take up and be in the front with, and thus have the distinction of having adopted something worth while, thereby causing it to be adopted in other states. Year by year I have brought the matter up in the Massachusetts Board of Bar Examiners, but I have not yet succeeded in convincing them—though I think I have perhaps convinced one member—that it would be desirable. They say it is not a part of our function, and distinctions are invidious, and the Bar Examiners are odious enough any way and we do not want to make ourselves any more unpopular than we are. Yet as I have talked with young men coming to the Bar they all seemed to be for it. A little over a week ago I had the duty to perform of moving the admission to the Bar of 126 young men who had just passed the examination. The motion was made before one of the Justices of the Supreme Judicial Court. I ventured to say to the court—I stated the matter briefly—that if the motion were being made in England there would be this recommendation with distinction of a certain number of the young men, and I said that I believed it would be worth while to have something of that kind in Massachusetts, that it would help in the way I have stated. As it is now the young men go through their work in the law school, or elsewhere, and if they simply get by the Board of Bar Examiners, that is all there is to it; there is no credit given for doing well and no incentive, but if it were published that the first eight, say, were so-and-so, and their names were made known, or if their names were called first, it would help them in getting into good law offices and for the first six months it would help them in starting in the practice of the profession. I do not

believe it would last beyond the first six months or perhaps a year because then, as water seeks its level, they would get to where they belong on their merits. But for beginning it would, I think, be worth while. A year ago I was in London and I went to see Mr. Jenks, the director of legal education among the solicitors, and asked him what he thought about it according to their experience. He said: "Mr. Bailey, there is considerable criticism among the solicitors of the practice, and I do not feel free to speak very much about it, but it is true that, when solicitors ask me about young men that they are going to take in as partners or as chief clerks, that is about the first question they ask me," showing that it would be something worth while for the young men to work for.

As you may know, some of the leading law offices in New York City get young men from the law schools and they seek to get men recommended by the professors as good men. Now if to this were superadded the recommendation I have mentioned I think it would tend to raise the standard of legal education and the standard of the profession itself. Having now persuaded one Justice in Massachusetts I have felt so encouraged that I have ventured to bring it up here that you might be thinking of it during the coming year, and perhaps next year we could have some further debate upon it. It is not among these rules. I think, perhaps, I may labor with the committee during the year and see if I can persuade them to put in a rule of that sort so that it may come up next year. I think this is the only message that I can bring you this year. Some of these rules as formulated do not have the assent of the entire committee. They are made with a reservation that when we come to our final work each member will be free to form his opinion according to all the lights which have been obtained. There are a few of these rules that I think will need to be modified, but you can help by making comments upon some of the rules, and I hope you may do it.

F. M. Danaher, of New York:

I regret to announce the unexpected departure from the city, for business reasons, of Mr. Francis Lynde Stetson, whom we

have just elected Chairman of the Section. He came expressly to bring to us the encouraging news of what New York has done in strengthening the requirements for admission to the Bar in that state. He is interested in our work in that direction, was of positive force in the movement which made the recent amendments to our New York rules possible, and is both willing and capable of doing great and good work in raising the standards of admission to the practice of the law, and in improving it along moral and educational lines. The cause in which we are all interested will be much benefited by his accepting the Chairmanship of the Section of Legal Education of the American Bar Association.

In his absence I will endeavor to tell in my crude way what New York has done since our last meeting.

Conditions at the Bar in New York, more especially in New York City, are lamentable. There are upwards of a thousand admissions thereto yearly, and the competitive struggle for existence thereat, as a matter of direct result, has tended to lower the morals of the profession and to foster unprofessional conduct. It is certain to a demonstration that morality at the Bar is in direct proportion to its prosperity, and that when there are too many lawyers for all to make an honest living, some must and will be dishonest. That opens up a subject of vast importance, as to whether the future will not develop the necessity of our so increasing the requirements for admission to the Bar that it will be economically impossible for the many to seek its fatuous wealth and fame, to the end that when it becomes a matter of choice for a young man who desires a professional life, he will not become a lawyer because it is cheaper and easier than it is to become a horse doctor. We are beginning to realize that high educational requirements and stiff Bar examinations do not keep down the increasing number who enter the profession, and we are beginning to know that the only way to restore the ancient prestige of the law, to make it more moral and an ethical force in the administration of justice, is to adopt some of the requirements of time and cost and special training necessary for admission to the Bar in European countries.

We have problems in New York, the dumping ground of the world, that those of you who are from other states cannot understand nor appreciate without investigation, so that our requirements must of necessity be most stringent and different from those in more favored states. That leads to the assertion that while a uniform standard of admission throughout the Union would be most desirable, it is a practical impossibility.

New York during the past year has taken decided steps in the right direction. The Court of Appeals of our state which has jurisdiction in the matter has ever been conservative, but it has kept in touch with existing conditions, and has responded to the appeal of both Bench and Bar, that the rules regulating admissions to the Bar be strengthened in aid of the due and orderly administration of justice and the crying needs of the profession.

The movement for the amendment of the rules originated with the justices of the Appellate Division of the Supreme Court, notably in the first judicial department in New York City, Mr. Justice Ingraham presiding. The judges were assisted by a committee of lawyers from the New York City Bar Association of which Mr. Stetson was Chairman, by a committee from the New York County Bar Association of which John R. Dos Passos was Chairman, by the State Bar Association and by Hon. William P. Goodelle and Frank Sullivan Smith of the New York State Board of Law Examiners.

In short measure our amended rules provide that no person can begin the study of the law until he is 18 years of age and has satisfactorily completed a four years course of study in a registered high school or its educational equivalent or is a graduate of a registered college or university.

College graduates must study law three years after graduation and non-collegiates four years after earning their pre-educational requirements. Such period of law study can be spent either by serving a clerkship in the office of a practising attorney of the Supreme Court in the state, or wholly by attending a law school, or partly by serving such clerkship and partly by attending a law school, except that persons who are not graduates of a college or university must serve a law clerkship for a period of at

least one year continuously either before examination by the State Board of Law Examiners or after such examination and prior to admission to the Bar.

A law clerkship must be actually served, and the proof thereof by the affidavits of the clerk and of the attorney must be to the effect that during the entire period of such clerkship the applicant was actually employed by said attorney as a regular law clerk and student in his office, and under his direction and advice engaged in the practical work of the office during the usual business hours of the day.

Those who apply predicated upon law school time, must establish by their affidavit and law school certificate that they were in good and regular attendance upon and successfully completed the prescribed course of instruction required at a qualified law school for its degree of Bachelor of Laws, and bona fide took and successfully passed all examinations in all the subjects required for said degree during their periods of attendance; in each affidavit and certificate specifying the subjects in which said applicant took and passed his examinations as aforesaid, which proof must be satisfactory to the Board of Examiners.

Admission to the Bar on motion has been limited to those who have been admitted and have practised five years in a country whose jurisprudence is based on the principles of the English Common Law, and all who apply predicated upon graduation from a college or university existing under the government or laws of any foreign country other than those where English is the language of the people, and all who apply for law students' certificates, all or any part of which are earned or issued in such foreign countries are required to pass a Regent's examination in Second Year High School English.

Most stringent rules have been adopted for the investigation into the good moral character and fitness of all applicants for admission as attorneys. Committees on character with plenary powers are appointed in and for each judicial department. It is made the duty of these committees to examine personally every applicant, and it must be satisfied with such examination

and other evidence that the applicant shall produce that the applicant has such qualifications as to character and general fitness as, in the opinion of the committee, justify his admission to practice. No applicant shall be entitled to receive a certificate from the committee, who is not able to speak and write the English language correctly, nor until he affirmatively establishes to the satisfaction of the committee that he possesses such a character as justifies his admission to the Bar and qualifies him to perform the duties of an attorney and counsellor at law. In New York and Brooklyn the names of all applicants who pass their Bar examinations are published in the Law Journal by the Committees on Character, with a request for information concerning their character and fitness.

In furtherance of its opinion based upon ample experience that the law schools do not pay as much attention as they should to the teaching of pleading, practice and evidence, and in order to encourage law clerkships as a necessary adjunct to law school training, the State Board of Law Examiners has adopted the following rule:

"The board will divide the subjects of examination into two groups, as follows: Group One, Pleading and Practice and Evidence; Group Two, Substantive Law, viz.: Real Property, Contracts, Partnerships, Negotiable Paper, Principal and Agent, Principal and Surety, Insurance, Bailments, Sales, Criminal Law, Torts, Wills and Administration, Equity, Corporations, Domestic Relations, Legal Ethics and the Constitution of New York State and of the United States. Each applicant will be required to obtain the requisite standard in both groups and on his entire paper to entitle him to a certificate from the Board. If he obtains the required standard in either group and not in his entire paper, he will receive a pass card for the group which he passes and will not be required to be re-examined therein. He will be re-examined in the group in which he failed or on the entire paper if he failed in both groups at any subsequent examination for which he is eligible and for which he gives notice as required by these rules."

As bearing upon the obligation of the law schools to teach pleading, practice and evidence, and the necessity of office experience, we note that we have 805 students awaiting re-examination

after failing one or more times, and that of those 700 failed in the subjects named in group one.

The New York State Board believes in the absolute necessity of law school training, supplemented by a subsequent law clerkship of at least a year, and it proposed to the Court of Appeals to so amend the rules that all applicants for admission to the Bar should be compelled to study law for four years, three years of which must have been compulsorily spent in attendance upon and graduation from a registered law school which required three years of resident attendance for the granting of its degrees to be followed by a year of law clerkship. The court in its wisdom deemed the requirement in the present condition of public opinion too drastic, but nevertheless therein lies, with a high school education or its equivalent as a condition precedent to the beginning of the study of law, the perfection of and the limit beyond which rules regulating admission to the bar cannot go.

Frank L. Hinckley, of Rhode Island:

What does the New York law do, if anything, in the line of examining into the character of applicants?

F. M. Danaher, of New York:

The Board of Law Examiners in New York State has nothing whatever to do officially with the character of the applicants who come before it. The applicants come to us certified by a diploma of graduation from some college or university or they present a certificate from the Board of Regents of the State. The question of their character is in the hands of the court.

The Supreme Court in each department of the state appoints a Committee of Lawyers before whom every applicant that has been certified by the Board of Law Examiners is required to appear in person, and it is the duty of that committee to inquire into the character and fitness of the applicants. They have a right to make an inquiry into what they call the fitness of the individual, as well as his ability to read, write and speak the English language.

Russell Whitman, of Illinois:

Upon that subject, understanding that there is no motion before the Section, may I be permitted to say a word? We have been very painfully reminded of late in an incident that I do not need to go into of the moral fitness of candidates. We have a rule that there shall be published in a newspaper for ten days before the time set for examination the names of all candidates who are applying for admission to the Bar. There is also a rule that two reputable members of the Bar must appear in court and vouch for the character of each candidate. We have perhaps 600 candidates a year in our state, and where there are so many candidates that rule is passed along without very much attention. A lawyer may meet another in the court house and say "Here is a young fellow that I know, I used to know his father, he comes from my town and I want you to sign this paper for him," and that is the way it is oftentimes done, and the young man himself is not actually known to the man who vouches for him. We have a rule, too, that every candidate must be known by the man who stands sponsor for him. Yet in actual practice we find that the rule is not observed as it should be.

What we are going to do is this, and I want to make this suggestion, particularly for the large communities: We are going to borrow a leaf from the naturalization business, if we can get the courts to agree to it. We are going to have the attorney for the Bar Association whose function is particularly the looking after disbarment proceedings, whenever anybody comes up as a sponsor for a young man, examine the sponsor. We figure that in this way if a man comes into court and the attorney for the Bar Association gets an opportunity of asking him a dozen questions, or so, we can come pretty near finding out how much he knows about the young man that he has recommended.

F. M. Danaher, of New York:

If the gentleman would write to the Chairman of the Committee on Character, First Judicial Department, New York, and ask for a copy of the sworn statement which must be in the handwriting of the applicant that they use there, which is really

in the nature of a naturalization blank, I think it will help him out in his state. They will not certify a man unless they personally know the sponsor. The system is very searching indeed.

Russell Whitman, of Illinois:

We go upon this idea, that if you go to work with affidavits on those lines it never will be satisfactory. The only objection that I have to the suggestion of Judge Danaher, if I understand him correctly, is that the examination into the moral fitness of a candidate follows the examination into his legal competency. It seems to me that is the wrong way around; and that before we examine a man at all, at least *prima facie* proof should be offered that he is morally fit to be examined.

Frank Irvine, of New York:

I think these safeguards are all right as far as they go, but I do not think a matter of character can be safeguarded by any set of formal rules—least of all by an inquiry instituted before the study of law has commenced. The fact is that when most young men come to the Bar their character morally has not yet been fully disclosed. Then there is another thing: Investigation of a man's character ought not to be confined entirely to the candidate himself. A young man on being admitted to the Bar no longer opens up an office, but he goes into another lawyer's office as a clerk, and a great deal depends upon the office that he goes into as to what his future character is to be.

Frank L. Hinckley, of Rhode Island:

Does the plan that you propose contemplate the cross examination of the sponsor in court, or simply an informal examination?

Russell Whitman, of Illinois:

It contemplates—I will not call it cross examination, but it contemplates this. If the attorney knows the man, he will not cross examine him very much, but he will examine him to find out what he knows about the applicant. The United States District Attorney is doing this all the time in the naturalization court, and what I advocate is the same thing.

George W. Bates, of Michigan:

I have recently suggested to the Board in our state that they require the law schools in certifying men to incorporate into the certificate something about the character of the men. In most law schools the student is now three years a resident, and of course they can learn a great deal about the men in that time.

The Chairman:

Would not a degree from a law school carry with it the sufficient assurance that the young man was of good moral character?

George W. Bates, of Michigan:

The point that I made with our board was that if we felt that our certificates were supposed to cover the character of the applicant, we would be a little more careful.

William Righter Fisher, of Philadelphia:

I suppose no method can possibly be devised for ascertaining, with more than a fair approximation to truth, the moral character of candidates for admission to the Bar. As has already been pertinently said the young man's character, at that time, is still in process of forming; its lines are not permanently fixed; it has never been subjected to the severe and crucial tests of strenuous competition in an exacting profession.

At the time of its establishment, I was pressed into service on the Pennsylvania State Board of Law Examiners and have given very serious thought to its work. It has long seemed to me that the matter of prime importance is to make sure that the men who come to the Bar are really prepared to earn an honest living as lawyers or as clerks in some lawyer's office. They should have practical command of real professional tools; be fitted to render some actual service of economical value to the community. This is an arduous profession, but not always an honorable one. Better be an honest day laborer on the street than an incompetent pettifogging attorney-at-law.

What are the young men to do if they are not really fitted for their work, after spending many precious years in supposed preparation for it. As Judge Danaher has well said, many young

lawyers are driven into devious paths by what they not unnaturally think the necessity of living. We probably all know pitiable instances of this kind. Practicing lawyers have many times complained to me that they could not put to any useful occupation young men from some of the best of our law schools. They had not learned to do anything well, their training had been wholly indefinite, uncertain and vague.

These are some of the defective results of our system which must be overcome in justice to the young men themselves with whom my warmest sympathies always go. Turn back at the outset those who are incompetent or idle by some adequate preliminary test of their fitness to be registered as students of law. This is the point at which to save the young man from a fatal error and the irrecoverable waste of his time. The diploma of the college alone is not sufficient evidence of this preliminary fitness. There are too many of them and altogether too much of laxness in their educational methods. It may be a burdensome task for Boards of Examiners to pass upon preliminary qualifications, but it is one which ought to be undertaken and conscientiously performed in the interest of the students themselves as well as of the profession and public.

And then as to the student-at-law. He should be taught his trade thoroughly, broadly, strongly and well. Are the law schools doing this work as they should? Must an actual office apprenticeship be required of him too? Somehow and somewhere he must be trained to think and to work as a lawyer, and the Boards of Examiners must ultimately see to it that such a training has been actually received, or the chances will be great, if not sure, that he will become a disgrace to the profession, a burden to himself and a nuisance or a menace to the public at large.

Burt E. Barlow, of Michigan:

This question has been up before our Bar Association, and I take it that Rule XI is the most important one in this report. Is there any reason why a law degree should not be required before admission to the Bar? Is there any question that proper

legal education can only be obtained in the law school and that proper education in pleading can only be obtained in the law office? This question will come up before the Michigan Bar this year. We have done away with admission to the Bar by the presentation of a diploma. I take it that the gentleman from New York, Judge Danaher, advocates a system different than that prescribed by Rule XI?

F. M. Danaher, of New York:

No, sir; quite the contrary. I stand for the absolute requirement that no man shall be admitted to the Bar examinations until he has compulsorily taken a three years law school course and has graduated from such a registered law school with a degree. But public opinion is not yet ripe for that condition. However, that is the ultimate goal that we should strive for.

Burt E. Barlow, of Michigan:

If the gentleman will look at page 48 of this report, at Rule XI, he will find that a four years course in a law office is all that is required.

F. M. Danaher of New York:

Well, let me say this. I assume that these rules are tentative, and I take cognizance of public opinion.

Frank Irvine, of New York:

I think I can explain how that rule came to appear in that form. These propositions as they are stated here do not represent the final conclusions of the members of the committee. They are tentative only, the result of suggestions made from one source or another and placed before the meeting at Detroit and discussed, and then Mr. Alexander with infinite pains circulated those suggestions throughout the country and obtained a great mass of data in the way of opinions which are generally embodied in the comments here. That proposition is an attempt to formulate something as a basis for discussion, and not as representing the views of all the members of the committee. I would not for a moment sign a report advocating that as a final rule in an ideal system of rules for admission to the Bar.

Burt E. Barlow, of Michigan :

This rule does not require a law degree.

Frank Irvine, of New York :

No, that rule does not. That is the New York rule. The court in New York was timid and was afraid to go to a point where it would not be sustained by the opinion in the profession, and, instead of getting three years as law school work for a requirement, what we got was this rule of four years of study all of which might be in an office, and one year of which must be in an office. Personally I do not believe in it, and I would never concur in a report advocating that, but it is presented for a basis for discussion.

William R. Vance, of Connecticut :

The discussion that has taken place here this afternoon seems to me to have been very interesting and enlightening, and to bring out this fact with luminous clearness, namely, that the weakest part of our system of legal education, as introductory to the Bar, is found in the moral element, as Judge Danaher has suggested. After all, rules and statutes, regulations and examinations are not going to eradicate the very real evil that now exists. Therefore, it seems to me a strange thing that our law schools have been so careless about even considering seriously methods that lie right at their hands for the purpose of strengthening the moral character of the young men that pass through them. Mr. Bates has stated, by inference, that sometimes degrees are granted in law schools to men about whose moral character the members of the faculty have at least some question. I think that is perhaps true. Now, can we not get at that evil? Ought we to be satisfied merely with training our students to reason acutely about the innumerable subtle problems that cumber the unwieldy mass of the common law? Ought we not also to concern ourselves with developing and testing their moral fibre? For this purpose I think the law schools should make use of the so-called "Honor System" of student control.

I am aware that most of my friends in the law schools think this is more or less of a silly notion, and that it won't do for hard-

headed business men, but I tell you that sooner or later we are going to recognize that the honor system is one of the many ways in which the law schools will be enabled to build up the moral character of their students. I think it ought to be extended beyond the University of Virginia. Furthermore, that is the most effective way to prevent cheating on examinations.

Frank L. Hinckley, of Rhode Island:

In regard to this Rule No. 11, I would like to say: The rule would apply to college graduates as well as to non-graduates, although as I understand it the New York rule differentiates between the two classes.

I would also like to ask if the Committee has considered a plan to require only one year's study in a law school or possibly two years of the full term of three or four years' study? It seems to me that even one year's study in a good law school would be of the greatest assistance to a student, especially one who has never had the advantage of a college education. It would lead him into methods of thought and study which study in a law office could not possibly do. We have found in the State of Rhode Island that one of the greatest troubles is that the candidates do not know how to study. I believe that even one year's study in a law school would be of very great assistance to a law student.

The question of public opinion must necessarily be considered, and it would seem to me, offhand, without having given this matter any great thought, that it would be about as easy to obtain the support of public opinion to four years in the law school as to a rule requiring four years' study altogether.

Frank Irvine, of New York:

I do not know that I can answer the first of these questions very satisfactorily. I can say that I think the Committee entered upon its task with a feeling that it was desirable to extend to some extent the period of law study that has heretofore been required. The study of medicine requires now pretty generally four years, and with considerably higher educational qualifications than are usually found in the rules governing the admission

of candidates for the Bar. We felt that the time had come when the period ought to be extended somewhat. There are a great many members of the profession who forget what a difference there is in the conditions now and years ago. The conditions today are not those extant in 1848, as referred to by Mr. Crosby yesterday. Many people think that the all-important thing is the office clerkship. They do not realize that the young man in the office usually sits around and smokes cigarettes most of the time and gets a certificate from his supposed preceptor for doing it. I think that rule represents rather a compromise, just as the rule for admission to the Bar in New York is practically a compromise.

F. M. Danaher, of New York:

Is not that rule the resultant of former action on the part of the American Bar Association, which formulated the idea and which your Committee has simply put into these rules?

Frank Irvine, of New York:

That may be so, but I do not think the American Bar Association ever definitely acted upon it.

Henry M. Bates, of Michigan:

On pages 49 and 50 I think there is the reference to which Mr. Danaher refers.

Frank Irvine, of New York:

I think it better for a man to have one year in a law school than none at all, but I do not think the Committee ever considered the idea of requiring a very brief period in a law school.

Burt E. Barlow, of Michigan:

Why cannot you require a three years course?

Russell Whitman, of Illinois:

Is it seriously contemplated that a young man is not to be admitted to the Bar unless he shall go to some law school? If that is so, it strikes me as very extraordinary. I had the privilege of attending Columbia Law School, and I also followed the Harvard law course as well as I could, and then I studied in the

office of a lawyer. The work that I did with the lawyer, with the exception of such instruction as I got from Professor Theodore Dwight, was by far the most valuable study that I ever did. Are we going to discriminate against young men who live in country places, in small towns, and who cannot afford to go to a law school? I have a vivid recollection of my study in a lawyer's office in a small country town. I could not afford to go more than a year to a law school. I think this is too serious a question to go tripping over in this way—to disfranchise, as you might say, the bright young men who go into law offices and who cannot go into law schools.

William Righter Fisher, of Philadelphia:

I do not understand that the proposed rules have advanced beyond a mere tentative stage. It is not to be supposed that this Section will seriously make the recommendation referred to.

In a great and diversified state like Pennsylvania it would be wholly impracticable. There country lawyers still exist in great numbers fully equal in general attainments to those of the large cities. For generations they have been trained in the offices of practicing attorneys at home. They pass the law examinations and become men of high standing and unquestioned worth, ability and usefulness. A thorough preparation for the practice of law upon broad educational grounds is, no doubt, the end to be sought, but a just public opinion will hardly bear that, even a one year's course in a law school should be prescribed as an unyielding prerequisite to the taking of the examinations for admission to the Bar in any part of the State.

Burt E. Barlow, of Michigan:

I live in a town of 7000 inhabitants, and the idea that a man can get an adequate instruction in a law office in a small town I do not agree with at all. The gentleman who last spoke says there are as good lawyers in the country as there are in the city. That may be very true, but certainly my experience as a lawyer in a country town would lead me to say that the education obtained in a law office does not compare at all with the education to be obtained in a law school in a study of the theories of

the law. In my experience you get no training in the law school—and I am a graduate of the University of Michigan—but the training in practice you have got to get in a law office.

C. W. Barrows, of Rhode Island:

In the course of an experience of a dozen years on the Board of Rhode Island Bar Examiners I think it can be fairly said that the office men are not adequately fitted to practice law. In our examinations the law school men have always shown up well.

I believe personally that a law school course should be the requirement of the future; I believe it is the ideal at which we shall finally arrive.

Henry M. Bates, of Michigan:

In my judgment there is no excuse for any man who is bright enough to get a high school education failing to get a legal education if he wants it. The University of Michigan has a great many students who are earning a considerable portion of their expenses by working through the summer, and I believe the same condition prevails throughout the West. I had occasion last winter to investigate the conditions in medicine, and I found this to be the situation: That in every state in the Union except one the law requires that before a man can come up for a license to practice medicine he shall be graduated from a reputable medical school. What is a reputable medical school is defined by law in most of the states. Now, if that is possible in medicine and if such a condition meets the approval of the medical profession, and if the profession is not being strangled—and I think all these are questions that can be answered favorably—I do not see why it is not possible for us in the profession of the law to obtain a similarly high standard. I think public opinion and professional opinion are not yet ready for it, but I think it will come about eventually.

F. M. Danaher, of New York:

These rules are proposed as standard, and it is apparent upon their face that conditions differ so much throughout the country that a rule which might do for one state would not do for

another. In New York we require before a man can become a doctor, a dentist, a pharmacist, a drug clerk, or a horse doctor, that he shall attend upon a technical school and shall have graduated therefrom. Should we set the standard any lower for the law? The statistics show that in 15 years in the State of New York since the above rule has been in effect the number of law students has doubled and the number of medical students has been cut in two, because it is cheaper and easier to become a lawyer than it is to become a doctor.

William Righter Fisher, of Philadelphia:

You have raised the standard of the law schools themselves.

F. M. Danaher, of New York:

The fact is that the young men know that they cannot pass our examinations without attendance upon a law school; they themselves see the necessity for it. The science of the law has advanced in the past thirty years and conditions in offices have changed so much since the introduction of stenographers and typewriters that it has become impossible for a young man to properly learn the law in an office.

I think it is absolutely essential for the good of the profession that young men who wish to enter the law should be compelled to take a course in an approved law school and graduate therefrom. It has an educational as well as an economic value. It will not keep out any good and proper man. It will keep out many who from choice would be deterred from going into the profession, and that of itself would be a good thing for the man himself as well as for the profession.

William Righter Fisher, of Pennsylvania:

If you wish to kill a set of rules, prescribe impossible conditions, or conditions not acceptable to people of worth who live in the country.

The country lawyer is in general a responsible man of high position in his community. The lawyer of the city is too often an ambulance chaser, a pettifogger, a contriver of evil and a menace to public decency and order. It is the city conditions

that trouble us. Valuable as the law school is, it is not the only road to the highest and broadest legal attainment. Boards of Examiners in large part exist to check up the work of the schools. Their deans and professors advocate them for that very purpose. The Bar examinations push up the standard of the law school's work, many of whose graduates fail, while others, better equipped by study and service outside of the schools, successfully and deservedly pass.

Burt E. Barlow, of Michigan :

It is only eight years ago since I graduated, and it has been my pleasure to keep track of the men who were in my class, and I can say that the men who worked their way through college have made good in almost every instance. In the University of Michigan any man who desires to do so can work his way through the law school without expending any money whatever and do his studying at the same time.

The meeting adjourned *sine die*.

EDWARD S. THURSTON,
Secretary pro tempore.

THE STUDY OF ROMAN LAW IN AMERICAN LAW SCHOOLS.

BY

SIMEON E. BALDWIN,
OF NEW HAVEN, CONN.

At the request of the Executive Committee, I have consented to take the chair on this occasion.

The Chairman whom we elected last year, as most of you already know, died last month. He did important work at the Bar and upon the Bench, but to me these seem overshadowed by his services in improving the American system of preparation for the Bar.

He was a member of the Standing Committee of the American Bar Association on Legal Education from 1888 to 1906, and soon after taking his place there that Committee resumed, after an interval of ten years, the practice of making an annual report in some detail.

In 1892 he was one of those most active in the movement resulting in the organization of this section, of which he was the first Secretary, a post at which he remained until 1901. In 1895 we recommended to the American Bar Association the passage of a resolution lengthening the time of legal studies to three years. The next year Judge Sharp was made Chairman of the Standing Committee of the American Bar Association on Legal Education, and in 1897 he drafted a lengthy report from that Committee endorsing our recommendation and also favoring the requirement of a preliminary general education at least equal to that furnished at a high school. This report was adopted, and the action taken upon it has had a great and permanent effect on the whole system of American legal education. He was himself a believer in aiming ultimately at the further requirement of a collegiate degree.

Judge Sharp was an active member of the Maryland State Bar Association, and filled in that also the position of Chairman of the Standing Committee on Legal Education.

He came to the discharge of these duties with the advantage of having been a lecturer in two law schools; but his viewpoint was mainly that of the practical observer, from the Bar or the Bench, of what young lawyers really need and what the State is entitled to demand of them, before she counts them among her ministers of justice.

Judge Sharp was an idealist, and the reports which he drew, from time to time, show that he was for high and advancing standards. One thing to be kept in view in planning the ideal law course, should, he felt, be securing room for some instruction in Comparative Jurisprudence. The master key to that we find in the Roman law, and I have taken for the main subject of my address today The Study of Roman Law in American Law Schools.

A friend of mine, on leaving college, went to Germany and took the degree of *Doctor Utriusque Juris* at Berlin. He has since had an active life at the Bar and upon the Bench, and has lectured at one of our leading law schools on international law. He told me recently that he was satisfied that his German studies were misplaced. They taught him not a little that he had afterwards to unlearn, when studying American law in the United States.

In the making of an American lawyer, Roman law must always have a secondary place, and should, I think, always come at a secondary stage. The foundation must first be laid by hammering in the elementary principles of American law. These must become part of his second nature, before he can profitably devote any close study to foreign legal systems. In his second or third year at the law school, an outline of Roman law may be made an elective subject of instruction; but to take it up seriously from the sources must, if ever essayed, come later, as part of a graduate course, or as the work of the leisure hours of his profession.

In the early days of American legal education the civil law not unnaturally was given a larger place than it can now be ac-

corded. Latin still held its place as the language of learning. Municipal law had fewer heads. Constitutional law did not exist. Reported cases were scanty, and of American decisions there were no reports before 1789.

A statement has been preserved of the law books read by a Connecticut law student, shortly before that date, which include the Institutes of Justinian, part of the Pandects, and Puffendorf's *De Officio Hominis et Civis Juxta Legem Naturalem*. Chancellor Kent, about the same time, was studying Puffendorf and Grotius in a Poughkeepsie law office, and John Quincy Adams, in that of Chief Justice Parsons in Massachusetts, was reading Justinian. His preceptor, after joining the Bar, had studied the civil law, towards the close of the Revolutionary War, from the conviction that he could not otherwise secure his share of the maritime cases then constituting the bulk of the business of the courts in his county. His father, President John Adams, had read Justinian as a law student, and in 1776 advised one, who was just commencing his professional studies, to do the same, because, he said, "Civil law and the French language were coming into fashion together and from the same causes."¹ So Edward Livingston, in 1784, studied Roman law from the sources, while in the office of Judge Lansing in Albany.²

For nearly a hundred years succeeding this period the proportion of American lawyers who knew anything more of the civil law than their Blackstones taught them steadily declined. Our law schools, when first organized, ignored it. It was never taught at Litchfield. It was not taught at the Harvard Law School until 1848, nor at the Yale Law School until 1869.

Those studying in lawyers' offices heard little of it in the east and nothing of it in the west.

A magazine, one of the objects of which was to spread its cultivation, called the United States Law Journal and Civilian's Magazine, was started at New Haven in 1822, but died with the second volume.

¹ Life and Works of John Adams, II, 36, IX, 433.

² Life, by Hunt, 41.

The lawyers of Louisiana, by force of circumstances, were compelled to study Roman law, to gain light as to the meaning of the Spanish and French codes. But elsewhere, with occasional exceptions, such as that offered by Hugh S. Legaré, of South Carolina, John Pickering of Massachusetts and John Anthon, of New York, it received almost no attention from the practising American lawyer, and little from the American law student, during the first three-quarters of the nineteenth century.

It was taught as an elective study in Latin at Yale College by one of the tutors (Joseph G. E. Larned) in 1843, and from 1848 to 1851, at the Harvard Law School, by Luther S. Cushing, the author of "An Introduction to the Study of Roman Law," published in 1854. In the next decade, Professor James Hadley of Yale College gave a short lecture course upon the subject there to the academic students, which he soon afterwards repeated, from year to year, in the Yale Law School, and once to the senior class in Harvard College. Instruction in the subject was offered at the Columbia Law School at about the same time, as a part of the courses devoted to Public Law and Political Science, and a distinct chair of Roman law was established there in 1891.

From the beginning of the last quarter of the nineteenth century the importance of the topic has gained fuller and fuller recognition and, though still regarded as among the minor ones, regular instruction in it has now been long given in a number of our law schools.

The organization of graduate courses in law schools, begun at Yale in 1876, has done much to strengthen this tendency.

Roman law is nowhere, I believe, made a required study for the ordinary bachelor's degree, but is when that of Bachelor of Civil Law or Doctor of Civil Law is sought.

In the undergraduate courses, instruction is mainly by lectures, with references to text books (including the Institutes), and cases. In the graduate courses, the sources are consulted and the student has an opportunity to make himself familiar with the Institutes of Justinian, the Commentaries of Gaius, and some of the more important titles of the Digest.

In the catalogue of Instructors in American Law Schools in 1891, prepared by Judge Sharp for the use of the Conference of Teachers of Law held at Milwaukee in 1893, there were but four named as confining their instruction to civil or Roman law.* The number has probably since been slightly increased.

In addition to the English text books on the civil law or Roman law, there are several of American origin.

Professor Theodore W. Dwight of the Columbia Law School brought out, in 1864, an edition of Maine's "Ancient Law," with an introduction especially designed for the use of law students. Professor Hadley's "Introduction of Roman Law" appeared in 1873. Chancellor Hammond published in 1875 an edition of Sandars' translation of the Institutes of Justinian, with an introduction afterwards put out separately under the title of the "System of Legal Classification of Hale and Blackstone in its Relation to the Civil Law." "Essays in Anglo-Saxon Law" followed in 1876, which compare that legislation with the beginnings of the Roman system. In 1884, Professor Morey of the University of Rochester published his "Outlines of Roman Law," and in 1896 Professor Sherman of the Yale Law School brought out his edition of Bernard's First Year of Roman law.

England has done more than the United States in adding to the literature of instruction in Roman Law, though less in the practical work of such instruction.

Until 1870 it was hardly taught there save in name. Ambassador Bryce then succeeded to the position of Regius Professor of Civil Law at Oxford, and held it until 1893. He gave some thirty lectures annually and, like everything that comes from his hand, they were carefully thought out and effectively expressed. In his inaugural address he said, as to the direct money value of the study, that "A man in brisk practice will

* These were Chief Justice Edward E. Burmudez, Lecturer on Civil Law, at Columbian University; D. H. Robinson, Lecturer on Roman Law, University of Kansas; Henry Denis, Professor of Civil Law, Tulane University; and Albert S. Wheeler, Instructor in Roman Law, Yale University.

find many occasions in which the knowledge of foreign or colonial law is of great value to him.”⁴ In his closing lecture, twenty-three years later, he said that experience had convinced him that such occasions were very rare.⁵ He remained, however, of the opinion which he had expressed in 1870, that if two men began a three years’ study of law at the same time, one giving his first year wholly to Roman law, and the other confining himself from the first to English Law, the end of the period would find the former ahead.⁶

May I venture to state what Roman law has been to me, for one’s own experience, after all, is always the best worth telling?

I was attracted to its study, when a young lawyer, by the influence of Professor James Hadley, who was then teaching it at Yale, and by his advising me to read Maine’s “Ancient Law.” His death occurred soon afterwards and I succeeded him as lecturer on the subject in the Yale Law School. What I learned of it kindled my enthusiasm, and fed whatever taste I had for classical scholarship and for the history of institutions; but, like Mr. Bryce, I must own that I have seldom found the opportunity to make much practical use of my knowledge.

In lecturing on the subject, which I began in 1875, my plan was to examine the class briefly, before each lecture, on what had been said in the preceding one, and also on some case given out for the purpose. Of those cases eleven were printed for their use,⁷ the course stopping with twelve lectures.

As to how far I have found the Roman law worth bringing forward for practical use, as a lawyer or a judge, I will say that in

⁴ Bryce, *Studies in History and Jurisprudence*, 871.

⁵ *Ibid.*, 892.

⁶ Bryce, *Studies in History and Jurisprudence*, 895.

⁷ These were *Acton vs. Blundell*, 12 M. & W. 324; *Campbell vs. Mesier*, 4 Johns. Chanc., 334; *Effinger vs. Lewis*, 32 Penn. St. Rep. 367; *Columbian Insurance Co. vs. Ashby*, 13 Peters 331; *County of St. Clair vs. Lovington*, 23 Wall. 46; *Cahoon vs. Miers*, 67 Md. 573; 11 Atl. Rep. 278; *McDonogh’s Executors vs. Murdoch*, 15 How. 367; *Coggs vs. Bernard*, Lord Raymond’s Reports, 909; 1 Smith’s Leading Cases, 82; *Ellis vs. Craig*, 7 Johnson’s Chancery, 7; *Hutson vs. Jordan*, 1 Ware, 385; *The C. B. Sanford*, 22 Fed. Rep. 863.

1872 I made some reference to the first book of the Institutes in arguing an injunction suit. In 1879, in an action turning on the construction of a will as to the rights of a substituted legatee, I quoted several passages of the Digest in support of our claims, but I think without making any particular impression on the mind of the court.* The next year I was counsel for the owner of the legal title to a considerable part of a Connecticut village, which was in the possession of numerous occupants, who had put permanent improvements on the land. I recovered judgment in ejectment against one of them in the Circuit Court of the United States, and he thereupon, on an ancillary bill for an injunction, claimed the benefit of an "Occupying Claimant's" statute.

His counsel relied on the cases of *Bright vs. Boyd* (1 Story, 478, 2 Story, 605). I argued at considerable length that, while professedly founded on the Roman Law, they went beyond it, but all my quotations from the Digest failed to convince the Court that Judge Story was in error.*

In a case before the Supreme Judicial Court of Massachusetts, in 1890, involving the validity of a decree made by three visitors of a theological school, one of whom it was charged came to the hearing with a prejudice against the party, a professor in the school, whose conduct was in question, I quoted the Roman law on two points; but the case went off on another. It so happened, however (and the anecdote is no bad illustration of the truth that slight causes often produce important results), that one of the auditors at the trial was a young man then studying Roman law. He remarked my allusion to it, and looked up the point in the books. His attention became engaged in the subject; he took a new interest in his studies; and the final result was that he has made the teaching of Roman law the main work of his life.

While on the Bench, I had this case to deal with: A guest at a Saratoga hotel, who had bought tickets to New Haven by way

* *Colt vs. Colt*, 19 Blatchford, 399.

* *Griswold vs. Bragg*, 18 Blatchford, 202.

of the Hudson River Railroad from Albany, was given by the hotel porter a check for his trunk to New Haven by way of Springfield on the Boston and Albany railroad. The trunk was lost in consequence of the falling of a defective bridge in Massachusetts. What duty did the Boston and Albany railroad owe its owner?

In reasoning this out in the opinion of the Court, which I wrote, we relied in part on the Roman law doctrine, partially set forth in *Coggs vs. Bernard*, as to the liability of depositaries, confining it to negligence that is really culpable, which in the case at Bar could not be claimed. Here we quoted both the Institutes and the Digest.¹⁰

In an opinion published in the same volume, I referred at some length to the Roman law in considering the foundations of jurisdiction over non-residents; and it was also made a subject of discussion in a dissenting opinion.¹¹

I now recall no other cases in the argument or decision of which I have had occasion to make use of what I know of Roman law.

Nevertheless, I am glad of every hour—and there have been many—which I have ever spent on its study. And here I can agree unreservedly with Mr. Bryce in his remark that “it is not so much because English law is like Roman, but because it is unlike, that the study is really to be recommended.”¹² It helps us to realize what our own law is, if we are able to compare it intelligently with any system of foreign law; and most of all are we thus helped by the law of Rome, because it was once the law of all civilized nations and is still the force underlying that of most of them.

Simply for what it is, in itself, however, it is assuming everywhere a position of larger importance since the creation of the Hague Tribunal and the movements that promise soon two courts of international justice. The Judges, in causes coming

¹⁰ *Beers vs. Boston & Albany R. R.*, 67 Conn., 417; 52 Am. State, 293.

¹¹ *Fisher vs. Fielding*, 67 Conn., 91, 104, 109, 118; 52 Am. State, 270; 32 L. R. A., 236.

¹² Bryce, *Studies in History and Jurisprudence*, 871.

before that tribunal and those courts, will be, for the greater part, men trained under the Civil law. To the American lawyer who argues before them it will be all important to distinguish their point of view, and to find some common ground from which to start. A knowledge of Roman law, at least in outline, and sufficient familiarity with its literature to tell him where to look for its rules on any particular point is almost a necessity for what we call the "international lawyer."

LAW SCHOOLS AND ADMISSION TO THE BAR.

BY

JOHN B. SANBORN,
OF MADISON, WISCONSIN.

One of the fundamental difficulties in the determination of requirements for admission to the Bar is that there is a very considerable conflict between the ideal standard which one may set for the young lawyer, and the fact that to secure admission under an ideal standard requires time, money and ability. It is very well to say that a lawyer should have a knowledge of a wide range of subjects and have spent considerable time in preparation for the Bar, but the objection is usually made that the profession of the law is looked to by many worthy young men as a means of livelihood, that many have attained high success at the Bar without these preliminary qualifications, and that a high standard will prevent many from becoming lawyers who really desire to enter the profession, and who might reflect credit upon it.

I think that the tendency is to lay too great emphasis upon this aspect of the question. It must not be forgotten that it is not the interest of the prospective lawyer but that of his client which must be looked to. While this is reasonably self-evident it has not always been kept sight of in discussions of this subject. Sometimes there is expressed an indefinite idea that one has an inherent right to practise law after he satisfies certain minor requirements. If the point of view of the law student is to be considered, however, there is no sound reason for the maintenance of State Boards of Bar Examiners. From the point of view of the client, however, these Boards have ample justification. While no Board of Bar Examiners can guarantee that those whom they admit are efficient lawyers, they should be able to certify, in the great majority of cases, that those who pass

Why has there been this change in the requirements for medicine? What does the medical school furnish which the doctor's office does not, sufficient to constitute a justification for the demand that a doctor should receive his training in a school? I presume that if you put this question to a doctor he would say that the medical school gives trained instructors, particularly in the pure sciences, and furnishes laboratory work and clinics. He would tell you that the doctor in active practice may have neither the training, the ability nor the time to give a student in his office instruction in those fundamental sciences which underlie the more strictly professional work of the physician or surgeon, such as zoology, chemistry and psychology; and that he is apt to be too specialized as well as too busy to instruct in the more practical branches of the profession.

He would claim that few doctors have the well equipped laboratory with its facilities for analyses and dissection, or the range of materials upon which the student may work. For this the medical school with its expensive equipment is necessary.

He would assert that only in the clinic, connected with the large hospital where the student may see operations and treatment by leaders of the profession, can the student obtain the requisite knowledge to equip him to meet the various emergencies of his career.

It will not do to assume that the foregoing reasons, which undoubtedly apply with great force to the study of medicine, have any similar application to the study of law. We must recognize the wide difference in the teaching of the two professions. The law teacher cannot adopt the method of experimentation. Vivisection has not yet been applied, except perhaps by the young practitioner, to the study of law. I have sometimes wished that a law student might be in the happy condition of a medical friend of mine who studied in a certain foreign country much in repute among students of medicine. He said that the peculiar excellence of this country from the viewpoint of a medical student lay in the fact that its doctors were strong on diagnosis and weak on treatment, whereby one could usually check his diagnosis by a *post mortem*.

We must admit that the clinical argument does not apply to the law school. The office is the place to learn practice. A trial in a justice court gives a much better training in the practice of law than does the best moot court ever organized. The student court can in no proper sense be compared to the medical clinic. I have become firmly convinced that the law school which tries to give instruction in the art as well as the science of practice, which leaves the fundamental principles which underlie all practice and attempts to follow the shifting codes and practice acts of various States, is wasting the time both of its faculty and its students. This should frankly be left to the office, either before or after admission to the Bar.

Nor does the law school furnish a laboratory in the true sense of the word. It should, however, give the student a library far superior to that which would be accessible to him in any ordinary law office. The working library of the lawyer, often sufficient for his practice and supplemented by a Bar Association or court library in case of need, is not the library which is needed by the law student. It is too specialized, too narrow, for any proper training in the fundamentals of law. Nor does the student have free access to the larger libraries, if any exist in his locality, the use of which is usually too restricted to meet his needs.

The trained teacher is as important to the law student as to the medical student. Only in the law school can one receive any systematic instruction in the fundamentals of the substantive law. The lawyer in active practice knows little of the real principles of pleading, of real property, of trusts or of equity, unless the litigation which he has been in has lead him in some one of these directions. Only in the law school can a student receive training in the analysis of cases, in the application of general principles to a stated body of facts, or in the contrasting or harmonizing of various decisions. The office student does something of this, not as a student, but as a partisan advocate, and even that is spasmodic and unsystematic.

It thus appears to me that the law school must leave to the office, either before or after admission to the Bar, the clinical

THE CRISIS OF THE LAW AND PROFESSIONAL INCOMPETENCY.

BY

FREDERIC R. COUDERT,
OF NEW YORK, N. Y.

The Bar can no longer afford to blink the fact that "the law" has become thoroughly unpopular. It may be that this unpopularity is in whole or in great part undeserved, but, in any event, we are not justified in refusing to examine into the question whether this be so or not. Popularity is no sure index of right or wrong; there is no divine justice in the judgment of a mob, and the opinion of the man in the street upon so big a matter as the Law may be of little moment; but when in our community a feeling is widespread, intense and of long duration, it is not safe to refuse to examine into its causes. The course of the Reformation might have been substantially modified and the excesses of the French Revolution wholly avoided if the governing classes had not been quite so complacently unheeding of popular discontent.

If the "Law" stand arraigned at the Bar of Public Opinion, the mere assertion by the agitator that this is due to the rapacity or incompetency of the lawyer class has in it little value as an intelligent explanation and is quite as futile as the answer of the conservative that: "No rogue e'er felt the halter draw with good opinion of the law." In such a debate we quickly reach an *impasse* and leave the question to be solved by those mystic forces which govern human affairs and which may solve it in a way equally contrary to the theories both of the agitator and of the conservative.

The attack upon the legal profession is no novelty. The somewhat radical proposition that the lawyers be guillotined was modified in the French National Convention into the more

conservative measure of merely suppressing the profession. A short experience, however, demonstrated that this measure was not calculated to bring about the millennium and that the slow processes of blind justice and the droning disputes of the court room were on the whole less detrimental to the welfare of the community than "settlements" in the street. So back again came the lawyers and to this day France has managed, through various governments, to be rich, prosperous and smiling without further molestation of the Bar.

No rough and ready explanation of the causes of the discontent with the law will suffice. What then are the real causes? To specify them all is probably impossible. The main ones are perhaps clear enough, however.

First, there are general causes of discontent throughout the community which it is not necessary to deal with here. Specifically, however, there are two main causes which largely account for the popular distrust of the law and the lawyers. One of these is the fact that the law of today and especially the judge-made law is largely out of harmony with real life. Law is, of course, mainly a resultant or a crystallization of sufficiently long continued general opinion in each community. In this last generation tremendous economic changes have so modified actual human relations that the American law of today reflects the views of the dead rather than those of the living and is in many respects far behind that of England, France or Germany. Individually progressive, we Americans are collectively very backward. As yet there has not been sufficient time for these new relations to find adequate expression in the law and the classes who profit by such inadequacy, reinforced by that great majority of persons of naturally conservative instinct who love a rule merely because it is old, regardless of the circumstances under which it originally arose and which made it useful, have been able to retard a necessary and inevitable adjustment. The fear that we may move too fast ignores the ineradicable tendency to follow custom which keeps the new generations from departing from the ways of their ancestors and which, healthful and necessary up to a certain point, means, when untempered by radi-

calism, social stagnation. The instinct which made Chinese civilization stationary is not the exception, but the rule; the opposite tendency is sufficiently exceptional to cause us little real apprehension.

It has been well said that the sense of equity of one generation tends to become the law of the next, but this gradual adjustment of law to justice has rarely seemed so slow a process as in recent years, because of the speed with which social and economic transformations have taken place.

With all this, however, I have here little concern other than to indicate that it is one of the two main causes of dissatisfaction; with this word I am willing to leave the field to Colonel Roosevelt and Judge Baldwin until one or both of the contestants shall call for the aid of counsel.

There is, however, another and perhaps even more potent cause of discontent, which is not of yesterday and which has little or nothing to do with theories of government, but relates solely and simply to the ordinary administration of justice between man and man in the courts of common law.

The ordinary individual is either in some breadwinning business or owns some property or both. At any time he may feel that his personal or property rights have been infringed. Naturally, and in an ideal community, he would seek the advice of one skilled in the law and would place himself under the protecting *ægis* of justice for a full vindication of his rights. In practice, however, it is notorious that the ordinary individual, unless he is wealthy, idle or temperamentally litigious, shuns the courts. This is mainly because of the great expense and delay which cause him to believe that he had better forego (especially if he has ever been in a lawsuit) the attempt to vindicate his rights, rather than subject himself to a procedure which he does not understand, and to be engaged in litigation, the end of which he can neither foresee nor foretell. He thus contents himself with making the best settlement he can, if any, and becoming an embittered critic of the law.

This is not a new evil. In the first half of the Nineteenth Century in England it was said that no man in middle life

beginning a suit in equity could possibly hope to live to see the end, and yet in the English law courts matters are now disposed of with an expedition and a substantial justice which put us so-called progressive Americans to shame. Why is it?

Law reform is no new cry. In this state it has been mooted, agitated and enacted almost constantly for half a century and yet in 1904 the Commission appointed by the Governor, pursuant to act of the Legislature, reported after a careful examination of the conditions of the calendars in New York and Kings County that:

"The situation thus disclosed is of the gravest character. The authority of the courts is seriously impaired by their inability to render speedy justice, and they must accordingly suffer a loss of respect from the people who maintain them. 'Justice delayed is justice denied,' is a maxim of universal acceptance, and the indifference of any people to injustice marks the period of their decadence."

As though to emphasize the seriousness of the situation and the fact these last sentences were penned in the full light of past history the words of Gibbon are quoted by the Commission:

"By these dilatory and expensive proceedings the wealthy pleader obtains a more certain advantage than he could hope from the accidental corruption of a Judge."

These are not the views of persons ignorant or careless of the law, nor of an orator on the hustings carried away by the applause of unsuccessful litigants, but the calm statement of a Commission of seven eminent lawyers, two of them ex-Presidents of the Bar Association.

Yet we are constantly told that what we need is more law reform. The books must be cumbered with more statutes, or statutes already passed during periods of over-active law reform endeavor are to be repealed. If this be true, the situation is discouraging. Sixty years of legislation are to go for naught and we must begin anew.

It is, of course, true that our procedure is cumbersome, our code unwieldy and illogical. Every student of law knows that. It compares most unfavorably with procedure in many of our

sister States where, as in England, most matters of practice and procedure are left to rules of court, few, simple and elastic.

Codification was once supposed to be the panacea, but so far codification has failed of its purpose. It must be admitted, however, that certain law reforms, especially in the simplification of procedure, would be useful, but I do not believe that, generally speaking, the main abuses, at least in the City of New York, would be substantially affected.

The truth is that the fault is not inherent in our system of law. The common law is flexible, adaptable and not necessarily more cumbersome, slow, ineffective or expensive than the civil law system. Experience elsewhere has shown that it is compatible with the speedy determination of cases and substantial justice in ordinary matters. In the words of Dr. Johnson: "Let us rid ourselves of cant." It is not pleasant to criticise one's own profession. It is still more painful to advert to the shortcomings of the judiciary. On the whole, in the United States, the Bench and the Bar have stood for individual right and for justice and have behind them a great historic record. The Government of the United States has been one of lawyers rather than one of warriors, or of ecclesiastics, and has surely compared well with any that we know of in history. If then, we criticize the present condition of the profession and the judiciary, it is solely with a desire to indicate the real causes that have injured the influence of the profession and to indicate the lines upon which these causes may be eliminated.

To my mind, the general unpopularity, not to say disrepute, into which the law, and thereby the administration of justice, has fallen, is due primarily to incompetency both at the Bar and on the Bench.


Let me say at the outset that I believe our judges to be honest and generally industrious and anxious to be impartial, but in too many cases the necessary temperament, general education and technical skill are lacking in the State courts, owing to the fact that the judicial positions are political rewards rather than well earned distinctions due to professional and civil service.

The functions of a judge are not difficult. A fair professional

training, sound common sense and willingness to work are sufficient to make a judge efficient and esteemed. It must be remembered that the hard work is done by counsel. The judge who is attentive and is assisted by able counsel hears both sides of every question thoroughly canvassed, the authorities in support of every proposition are adduced and analyzed and it is only necessary for him to decide between the conflicting views.

The judge, however, is much handicapped when not assisted by able counsel; especially in the City of New York with the tremendously crowded calendars, it is almost impossible, humanly speaking, for the judge himself to examine the authorities cited or to do much more than to read the briefs of counsel or hear their arguments. Where the case is complicated and the counsel inefficient, the judge is doubly burdened. Where a judge gets inadequate assistance from the Bar he must be of more than ordinary ability not to fall constantly into error.

To those who have watched the young lawyers coming to the Bar in these later years and have seen much of the personnel of the Bar generally, the ignorance and incompetency displayed by them are appalling. The writer of this paper was for three years a member of the Committee on Character and Conduct, appointed by the Appellate Division of the First Department, to pass upon the young men coming up for admission to the Bar. He was thus necessarily brought into contact with some hundreds of candidates each year. Among them were many who were evidently intelligent and well equipped, but it is fair to say that a very large percentage, possibly considerably more than half, were unfitted to enter any learned profession. The answers made by many of them to questions indicated that they had no grasp of the real duties or functions of a lawyer, no idea of the relations existing between law and morals, and that they had simply memorized sufficient misunderstood matter to enable them to pass an examination. The spectacle was little short of lamentable, and the artificial character of the intellectual tests required was illustrated by the rather amusing feature that frequently some of the more intelligent and better-equipped young men coming from one of the great university law schools of the



country had not been able to pass the examination until after several trials.

The admission of a large number of unlearned, unlettered and utterly untrained young lawyers with no *esprit de corps* and little regard for the traditions of the profession has been having and will continue to have a deleterious effect upon the administration of justice.

This condition is generally recognized. The Appellate Courts are endeavoring to make admission more difficult; more stringent rules are being enacted and advocated; more complete courses of study and more adequate tests are constantly being required. I believe that in the respect of professional incompetency, we have seen the nadir. There is now a general movement at the Bar to better this condition; it will require some years, but with the co-operation of public opinion and the assistance of the Bench much can be done. It is of more importance than legislative reform, which is of very little value when put into practice by men without character or training.

It is absurd to charge the deficiencies of the Codes of Civil Procedure with the delay now encountered in our courts of justice. If some improvement has been made in New York since 1904, when the Commission on the Law's Delays reported, it is of a slight character and the Bench has been considerably increased since that period. The delay is due to the fact, first, that trials take at least twice as long as they reasonably should. Our great criminal trials here have become a laughing stock. It takes more days to impanel a New York jury in a great criminal case than it takes hours in New Jersey or probably minutes in England. The courts do not dispose of one-half of the number of cases that they should in the time allotted to them.

Again ignorance of the technicalities of the law results in a great number of reversals and of new trials, often in cases in which the result reached was just, but the methods subversive of precedent and of the orderly administration of justice. Enormous numbers of practice motions are made which never would have to be made if lawyers knew how to state their cause of

action and draw their papers. Nearly all of these motions might be decided from the Bench, if they were properly presented by counsel and thoroughly understood by judges. The practice of holding these trivial motions for weeks, sometimes for months, is utterly vicious.

Mr. Bryce in his biographical sketch of Sir George Jessel, late Master of the Rolls, relates that during his long and honorable career, upon only three occasions did he fail to decide the matter presented to him at the termination of the case or of the argument. 'And yet, in this city, trifling practice motions for amending answers, striking out portions of pleadings, making matters more definite and certain; etc., are taken under advisement for an indefinite time. The public naturally believe all this due to legal technicality and think the law a mere Chinese puzzle enacted by lawyers for the benefit of lawyers, the real fact being that had the people always chosen to elect competent judges, and were clients represented by trained lawyers, a way could almost always be found to do justice without violence to those rules and precedents which are necessary in order to secure some degree of certainty and uniformity.

Incompetency at the Bar is due in large measure to the great increase of the population that has taken place in our cities in a short time and the inadequacy of the rules for admission, which, when the Bar was small and social conditions different, was sufficient and may be sufficient now in the rural communities where the lawyers are well-known to the people and where the court house is a sort of social centre. In those communities I believe comparatively little criticism of the law will be found.

The real difficulty with the courts in many of the great cities of the Union is the fact that the judiciary is in politics. It is obvious that there should be no partisan politics in the selection of judges, but, as a matter of fact, judgeships have become among the best and richest political plums for the party machine. In the rural communities, where the lawyers are personally known to the voters, the system of popular election works fairly well as a selective system, and leading lawyers and citizens are frequently chosen, but in our great city of New York, any nominee

of the dominant political party invariably goes through, save when other issues cause a political revolution.

A few years ago in New York the Bar attempted the experiment of independently nominating several highly reputable, respected and able lawyers for the Bench and the number of votes which they polled was so ridiculously small as to indicate the belief that the community could not possibly understand what was really at issue.

Political contributions have been a source of evil and corruption, but they are peculiarly so when connected with judicial positions.

The Commission on the Law's Delays, heretofore referred to, recommended among other things:

"the enactment of a law which shall prohibit under severe penalties the payment of any sum of money by a person who is a candidate or shall become a candidate for a judicial office, either in advance of his nomination or thereafter as a contributor to the political party, a person or persons nominating him, either directly or indirectly, or the reimbursement by such person or any other person or organization for moneys so paid or advanced; and an equally severe prohibition against receiving such moneys or contributions,"

and they stated among other things that they understood

"public opinion on the subject to be quite well crystallized."

The Corrupt Practices Act (Election Law Sec. 540 *et seq.*) endeavors evidently to carry out this recommendation, although not applying specifically to the judiciary, but §780 of the Penal Law prohibits any candidate for judicial office from directly or indirectly making any contribution of money.

The law is one, however, that can be easily evaded. It is not necessary that the judge himself make a political contribution. These contributions may be made by friends who desire his elevation to the Bench even without the candidate's knowledge, or at least without his active participation in securing or paying the money. The evils of the system are obvious; the scandals entailed great.

I doubt whether this evil can be eradicated by law. That it

should be eliminated, that it is one of the causes of the inefficiency and incompetency, too frequently found upon our Bench, cannot be doubted; that in many cases it comes perilously near to the purchase of the office is evident.

We presume that this system has no open partisans and that judicial positions will never become, as they once were, matters of property. Even down to the French Revolution magistracies were hereditary and alienable, as is the office of "avoué" in France to the present day, but this was a regulated, recognized system and certain tests were applied to the individual holding the office before he could enter upon his property. Solicitors had a property right in their offices in Porto Rico down to the time of the American occupation and the Supreme Court of the United States has recently decided that these positions ceased with the relinquishment of Spanish sovereignty and that the unfortunate incumbents of these comfortable monopolies had no claim against the United States.—*Alvarez y Sanchez vs. U. S.* 216 *U. S.* 167.

We Americans, however, are peculiarly sensitive on the subject of the judiciary. On the whole our judges are honest men. No such scandals as disgraced the Tweed regime have arisen of later years, but the political conditions, the domination of the machine, the tremendous electorates in our leading cities, too vast to know the candidates, even by name, have brought upon the trial Bench a number of well-meaning, mediocre men, without the intellectual grasp, general education or the professional training necessary to make effective judges. Coupling with this the fact that we have no barrister system, that our system of admission to the Bar is still inadequate, that the prizes of commercial and office practice have become, owing to industrial development, much greater than those of the forum, and that thus the judges get inadequate assistance from the Bar, we have, I think, the real explanation of the delay and of much of the expense incident to the dangerous venture of launching a law suit in so many of our States and cities.

As usual, it is easier to state the difficulty, which after all is thoroughly known at the Bar, than to indicate a remedy. I

have little confidence in statutory remedies. The great English legal reforms initiated by Jeremy Bentham were brought about under a pressure of public opinion which was irresistible and which had determined that the evils burdening the administration of justice must disappear. They, too, were long in coming.

We must insist upon a higher standard of character and legal education for admission. This will check much of the evil at its very source. Possibly at the next Constitutional Convention we may so amend our Constitution as to require qualifications, other than that of being merely a member of the Bar, for eligibility to the Bench. This is a subject which should be discussed by lawyers and an attempt made to formulate some specific measures.

As to the judges, the elective system is probably evil, but has come to stay. It is doubtful if it can be changed. There then remains no remedy save to impress upon the community that the evils of the law are largely of their own making, that if they took the trouble to elect able and competent men, regardless of political considerations, much of their cause for complaint would be removed. The mayor, the aldermen, or even the Governor are of comparative insignificance as compared with the courts. If the citizen is assured that his constitutional, personal and property rights will be safeguarded and that adequate and speedy justice will be meted out to him when he deserves it, the passing of one political regime or another cannot seriously affect the pursuit of his liberty or happiness. When he once realizes that he has no political function so important as to busy himself about the election of competent judges, law reform will become a comparatively minor matter. Sluggishness, inertness, and indifference on that subject will be rewarded as they surely deserve to be by delay and denial of justice and consequent discredit to the lawyers.

It is true that we have outgrown some of the Constitutional restrictions, useful and necessary in a past age, but at present only valuable to those who desire to evade the law. Upon these specific matters public opinion can be crystallized and needed changes made by statute and by Constitutional Convention.

Lawyers are naturally conservative. Study of precedent has made them look backward rather than forward. Modern historical methods have taught us that the Golden Age of the law belongs to fable, but faith in mankind leads us to believe that there will be a Golden Age in the dim future in which Blackstone's "perfection of sound reason," the common law, will be looked back upon as one of the early stages of human legal development—crude, imperfect, often unreasonable and unethical, but with power of growth and development along the lines of individual freedom and equality.

THE FUNCTION OF THE BAR EXAMINER.

BY


ANDREW A. BRUCE,

OF GRAND FORKS, NORTH DAKOTA.

I think there can be no doubt that the trouble often found with the law lies with the individual and not with the system. Unless you can get men to be ethical and to live up to the spirit of the law, nothing will be accomplished. They once had a reformed code in Wisconsin, but they had a Bench trained in common law ideals and the common law system, which was antagonistic to the code, and they so construed it. It is also true that society in America has been so anxious for the success of the individual, for the success of the young man, that it has not paid any attention to the welfare of the community itself. In the ordinary town the man who runs for State's Attorney or District Attorney is a young man, and he runs and is elected because people think he needs the job to make a living. Judge Bishop once said that "we may say all we like about constitutional rules and technicalities, but if we will insist on electing to the office of State's Attorney a man because he can shout loud at the hustings, we must not wonder if sometimes his indictments are quashed and he fails when he runs up against a good lawyer."

The question is one largely of individual ethics and of the individual man. I am to discuss the question in its relation to the function of the Bar Examiner. We in America have a tremendous problem before us. I suppose in the East, among the ivy-covered buildings and all the traditions of the past, you perhaps do not see humanity developing as we see it in the West. There we are at the beginning of things, as it were. We see the foreigner as he first comes to us. In my state we are building a democratic state and laying the foundations of an empire

that shall be, and we in a measure can see society in its foundations. At the meeting of the Association of Law Schools a paper was read on the true function of the law school teacher, but there was one function that was not touched upon at all—the function of the law school to train an intelligent citizenship and an intelligent leadership. In my state when men ask “Why do you have a law school connected with the university?” I do not reply—“To train practicing lawyers.” I do not believe that a law school should merely be a lawyer incubator. We all realize the necessity of a high standard at the Bar, but after all a law school has a bigger function than that. In a democratic state where every man is presumed to know the law, where every one is in politics, where every man can get to the legislature, where every one helps to form the popular opinion which elects Judges, and destroys them too—in this age of a pure democracy when we are getting down to the referendum and the recall—it is necessary above all things that in the educational system there shall be some means and some avenue where the ordinary citizen may become acquainted with the rules of society which govern him and the rules of civilization. The law school is more than a school for the training of practicing lawyers. The function of the university is to train not merely lawyers but social leaders. When we forget that, we forget an important part of the problem. And when I come to think of that, I think of the real function of the Bar Examiner. What an important part the Bar Examiner must play in this problem! I believe there should be a wide distinction between the right to study law and the right to practice law. In the West we can never get statutes through the legislatures that will prohibit a high school man from studying law. We can get statutes through that will say that no man who has not a college diploma shall practice law. We should make a wide distinction between the right of a man to study law and the right of a man to practice law. The Boards of Bar Examiners should keep high the standard of the right to practice. As a matter of fact, they are the only men who can do it in most of the states. Let the ordinary college president go before the legislature and ask for a high standard and they will say to him:



"You want men to come to your university to take your academic degree." The Bar Examiner, representing all the people of the state, being without any personal interest, can appeal to the legislature and can lead in the advance. There is, however, a peculiar lack of co-ordination. There is a peculiar condition of affairs in the Association of American Law Schools. This Section has time and time again declared that there shall be State Boards of Law Examiners and that no man shall be admitted to the Bar who does not pass their examinations. Yet almost every western law school has gone to the legislature in the past, and quite recently in one or two instances, and obtained the passage of a statute by which its candidates are admitted to the Bar without such an examination. The diploma of the University of Wisconsin admits to the Bar. The diploma of the Law School of Minnesota admits to the Bar. The diploma of the University of Nebraska admits to the Bar. The diplomas of nearly all of the western law schools admit to the Bar. One incentive offered to the prospective students is the fact that the boys need not take the Bar examination after they get through the law schools. Men ask me whether our diploma will admit to the Bar and I say no, and they then pass on to Minnesota. The schools are taking no steps towards adopting the rule that their representatives in the Association of American Law Schools have voted for. Why? I am not entirely critical. It is simply because they do not trust the Boards of Bar Examiners, and they do not believe that their law schools will receive real justice.

Legal education involves something more than teaching a man how to make his bread and butter. You must teach him ethics, sociology, history, the great struggle of the races, for in this age all law is merely applied political economy, applied social ethics, and applied civilization. If we are going to lead the great social advance in law we must have men thoroughly trained in other things besides the mere technical rules of practice. Some of the examinations given by the Boards of Bar Examiners are examinations and some are not. In one state the examination lasts one day, and the only subject examined upon is the subject of contracts. I know another state which spends only a day on the

examinations, in which fifty questions are given, and one-half of these are upon the subject of pleading and practice. In these states—and there are numbers of them—a man who would be a giant at the Bar, but who does not happen to have studied the technical local practice, or who may not feel well or who may have overworked the day before and whose nerves have been stampeded in the first onslaught, will fail to pass, while a man thoroughly conversant with the practice in the state will be admitted with flying colors. It does seem to me that the Bar Examiners of the states should see to it that their examinations are high, that they extend over a period of days, that there are a number of subjects so that the man who is thoroughly trained and qualified can show his ability and the man who is not will fail. I believe that today the opposition to the Boards of Bar Examiners and the reason why so many colleges insist upon their diplomas admitting to the Bar—no man in Minnesota can fight the Alumni of the State University—is due to the fact that the examiners do not come up to the college requirements in their examinations. Many colleges and many individuals do not feel that the Boards of Bar Examiners have really risen to the American citizenship aspect of the situation. It is interesting in this connection to realize how some great men have looked upon the problem. If you will read Blackstone's introduction to his commentaries you will find that he did not write a book for lawyers. Blackstone's commentaries were written for the gentry class of England who, he assumed, would be the leaders of English thought and politics. In other words, we cannot get away from the fact that not only will lawyers be the leaders in thought, and not only will government be largely carried on by them, but in this iconoclastic age when men are pulling down instead of building up, and in this problem that is ours, where people of different nationalities are mingling and commingling and building up a great cosmopolitan citizenship, we need a leadership of trained men who shall sanely and constructively lead the great social advance. The training of these men is the function of the law schools. The law examiners should require a clerkship in an office after a man graduates from the law school. They

should create high standards for admission to the Bar; they should make them as high as for graduation from the law schools. In every state they should insist that no man shall be allowed to practice at the Bar who has not studied for a period similar to that required in order to graduate from the university law school, and at the same time they should see to it that the subjects upon which they examine the men, and the method of their examinations and the time given to them, do not hinder the law schools in the great work which is before them.

PROCEEDINGS

OF THE

SECTION OF PATENT, TRADE-MARK AND COPYRIGHT LAW

The meeting was called to order by the Chairman, Judge Robert S. Taylor, of Fort Wayne, Indiana, and in the absence of the Secretary, J. Nota McGill, Esquire, of Washington, D. C., was elected Secretary, *pro tem*.

The Chairman called the attention of the Section to certain bills before Congress which he regarded as hostile to the integrity and soundness of the patent system. He referred particularly to S. No. 2416, which curtails the life of patents for improvements, and provides for the compulsory grant of licenses; to S. No. 2158, which provides that violations of the Anti-Trust Law shall work forfeiture of patent rights; and to H. R. No. 9661, which makes unlawful any prohibition in licenses in respect to the purchase of machinery or supplies.

On motion, a committee consisting of E. W. Bradford, Arthur S. Browne and W. W. Dodge, was appointed to report a resolution on the subject. In the absence, and after the return of the committee, a discussion of the subject took place which was participated in by practically all the members present, and which developed a consensus of opinion that the Section was without power to take any effective or useful action on the subject, and by unanimous consent the resolution was laid on the table.

After this, Mr. W. W. Dodge, of Washington, D. C., addressed the Section on the subject and in the course of his remarks stated that the Patent Law Association of Washington is having printed several hundred copies of these and other bills to be sent to members of the bar and manufacturers with the view of obtaining

opinions to be presented to the committees of Congress, and he expressed the belief that with co-operative efforts a sentiment can be developed which will prevent the enactment of hostile legislation.

Mr. Arthur Steuart read a paper by Mr. E. J. Prindle, of New York, entitled "The Relation of the Doctrine of Equivalents to the Interpretation of Claims of Patents."

(This paper follows these minutes, page 697.)

Mr. Steuart, as Chairman of the committee on Federal Court Rules, stated that the committee had no report to make owing to the consideration of the proposed changes in the rules by a committee of the Supreme Court and committees appointed by the Circuit Courts of Appeals. The action of the committee in not reporting was approved.

The Chairman laid before the Section a communication from the Merchants Association of New York, authorizing William H. Blymyer, Esquire, a member of the American Bar Association, to represent it before this Section and explain the movement for the comparative study of the workings of the Patent and Trade-Mark Laws in the various countries with the view of bringing about greater harmony.

After explanatory remarks by Mr. Blymyer, he offered the following resolutions:

Resolved, That a request be made by this Section to have the following report placed before the Association at once:

WHEREAS, with the recent expansion of American commerce abroad, the interest of American inventors and manufacturers in securing greater protection for their rights in foreign countries has recently become of great importance, and

WHEREAS, many imperfections in the existing Conventions, the modes of their application and the laws of the several countries demand concerted study for the purpose of bringing about as much uniformity and eliminating as many hardships as is possible, and

WHEREAS, Societies in a number of foreign countries have been formed and are aiding their governments in a systematic ascertainment of their needs and the formulation of the remedies required, and

WHEREAS, A further Convention for the Protection of Industrial Property has been negotiated at a Conference recently held at Washington and now awaits the ratification of the United States Senate, and,

WHEREAS, An International Chemical Conference is to be held in the United States in the early part of the coming year, be it

Resolved, That the American Bar Association express its approval of the principle that the views of persons interested in such foreign commerce and of the bar and especially of that portion thereof that has been struggling with such problems should be generally invited and considered before the adoption of such conventions and that co-operation with such foreign societies should be had where possible, and it is

Further Resolved, That should the Section on Patents, Trade-Marks and Copyrights of this association perceive the opportunity of furthering such a general movement it be and hereby is given full power to do so and to expend thereon such amount of money as shall be approved by the Executive Committee and that it make such special reports to this Association as it may deem expedient, and it is

Further Resolved, That this Association through the Chairman of said Section request the proper officers of the Government at Washington to make public the proposed Convention for the protection of Industrial Property at an early date in order that such interested persons may have an opportunity to be heard thereon before the ratification and exchange thereof.

Mr. Robert H. Parkinson, of Chicago, moved that these resolutions be received; that the Section express its appreciation of the spirit in which they have been presented by the Merchants' Association of New York, and that they be taken for individual consideration with the view of furthering the object as far as each one can, but that as a body the Section is not prepared to take definite action thereon. This was carried.

Judge Robert S. Taylor was re-elected Chairman, and J. Nota McGill, Secretary.

Adjourned

THE RELATION OF THE DOCTRINE OF EQUIVALENTS TO THE INTERPRETATION OF CLAIMS OF PATENTS.

BY

EDWIN J. PRINDLE, M. E., LL. M.,

OF NEW YORK CITY.

There are two groups of decisions relating to the claims of patents which appear to be diametrically opposed. One group apparently holds that, as the claim of a patent is for the purpose of pointing out to the public what the inventor claims as his own, he must be restricted literally to what he states in his claim, and any art, machine, manufacture or composition of matter not answering to the terms of his claim cannot be held under the patent. The following are examples of decisions under this group:

“Some persons seem to suppose that a claim in a patent is like a nose of wax which may be turned and twisted in any direction, by only referring to the specification, so as to make it include something more than, or something different from, what its words express.”

White vs. Dunbar, 119 U. S. 47-51.

“The developed and improved condition of the patent law leaves no excuse for ambiguous language or vague descriptions. The public should not be deprived of rights supposed to belong to it, without being clearly told what it is that limits those rights. The genius of the inventor should not be restrained by vague and indefinite descriptions of claims in existing patents, from the right of improving on that which has already been invented. It seems to us that nothing can be more just or fair, both to the patentee and to the public, than that the former should understand, and correctly describe, just what he has invented, and for what he claims a patent.”

Merrill vs. Yeomans, 94 U. S. 573.

“It is the claim which measures the rights of the patentee

and that which is not claimed is, so far as the particular patent is concerned, dedicated to the public."

Dunlap vs. Willbrandt Surgical Mfg. Co., 151 Fed. 223-227.

"As patents are procured *ex parte*, the public is not bound by them, but the patentees are. And the latter cannot show that their invention is broader than the terms of their claims; or, if broader, they must be held to have surrendered the surplus to the public."

Keystone Bridge Co. vs. Iron Co., 95 U. S. 278.

"It is an elementary rule that a patentee may claim the whole or a part of what he has invented. He is entitled to limit his claims to any extent that may seem desirable, but, having done so, his right to protection is also limited, since the claim actually made by the patentee is the measure of his right to relief."

Lanyon Zinc Co. vs. Brown, 129 Fed. 912-915.

"It is well known that the terms of the claim in Letters Patent are carefully scrutinized in the Patent Office. Over this part of a specification the chief contest generally arises. It defines what the Office, after a full examination of previous inventions and the state of the art, determines the applicant is entitled to. The courts, therefore, should be careful not to enlarge, by construction, the claim which the Patent Office has admitted and which the patentee has acquiesced in beyond a fair interpretation of its terms."

Burns vs. Myer, 100 U. S. 672.

"It is true the patent cannot be extended beyond the claim. That bounds the patentee's right."

Wood-Paper Patent, 23 Wall. 606.

"In view of the statute, the practice of the Patent Office, and the decisions of this court, we think that the scope of the Letters Patent should be limited to the invention covered by the claim, and that though the claim may be illustrated, it cannot be enlarged by the language used in other parts of the specification."

Railroad Co. vs. Mellon, 104 U. S. 118.

"He [the patentee] gains no exclusive right except for such a machine as his patent describes and secures, though it may be far less broad or comprehensive than his actual invention."

Waterbury Brass Co. vs. Miller, 5 Fish. Pat. Cas. 48; 29 Fed. Cas. 385-392.

"Where it is manifest that the claim is limited to certain

features, it is not material whether such limitation was or was not necessary."

Severy Process Co. vs. Harper & Bros., 113 Fed. 581, 585.

"A patent cannot be given a construction broader than its terms in order to cover something that might have been claimed but was not."

Universal Brush Co. vs. Sonn, 154 Fed. 665.

"In making this claim the inventor is at liberty to choose his own form of expression, and while the courts may construe the same in view of the specification and the state of the art, they may not add to or detract from the claim."

Cimiotti Unhairing Co. vs. American Fur Co., 198 U. S. 399.

The above quoted decisions are typical of a large number of cases of the same import, and it is needless to multiply examples.

The second group of decisions to which I wish to call attention holds, in effect, that an inventor is not only entitled to what he claims (taking the claim literally) but also to every equivalent thereof, and that whatever performs substantially the same function in substantially the same way is such an equivalent, even though it does not respond to the letter of the claim. This group also holds that an inventor who has made a long step in advance in his art is entitled to a liberal application of the doctrine of equivalents, while he who has only made a slight improvement can only have a strict and narrow application of such doctrine.

This group may be illustrated by the following decisions:

"Undoubtedly there may be cases in which the Letters Patent do include only the particular form described and claimed. *Davis vs. Palmer*, 2 Brock. 309, seems to be one of those cases. But they are in entire accordance with what is above stated.

"The reason why such a patent covers only one geometrical form is not that the patentee has described and claimed that form only; it is because that form only is capable of embodying his invention; and, consequently, if the form is not copied, the invention is not used.

"Where form and substance are inseparable it is enough to look at the form only. Where they are separable, where the whole substance of the invention may be copied in a different form, it is the duty of courts and juries to look through the form for the

substance of the invention—for that which entitled the inventor to his patent, and which the patent was designed to secure; where that is found, there is an infringement; and it is not a defence, that it is embodied in a form not described, and in terms claimed by the patentee. . . .

“Patentees sometimes add to their claims an express declaration to the effect that the claim extends to the thing patented, however its form or proportions may be varied; but that is unnecessary. The Law so interprets the claim without the addition of these words.”

Winans vs. Denmead, 15 How., 330.

This decision has been recognized and affirmed by the Supreme Court repeatedly and as late as *Hoyt vs. Horne*, 145 U. S. 302, 309.

“It is true that he calls for clamping-plates in his claims, and that he does not claim any other method of making his connection. But he does not show any intention to confine himself to that specific mode of connection. The form he describes and claims is not of the essence of his invention, and the law allows the patentee any form which is equivalent to the one claimed, unless he has expressly limited himself to the one claimed and described, or unless it is necessary to limit him to the specific form in order to save his patent from anticipation.”

McSherry Mfg. Co. vs. Dowagiac Mfg. Co., 101 Fed. Rep: 716-722.

This decision was written by Judge (now Justice) Lurton, and was participated in by Judge (now President) Taft and Judge (now Justice) Day. The Supreme Court approved of the decision by denying a writ of certiorari. (179 U. S. 686.)

“The range of equivalents depends upon the extent and nature of the invention. If the invention is broad and primary in its character, the range of equivalents will be correspondingly broad, under the liberal construction which the courts give such inventions.”

Miller vs. Eagle Mfg. Co., 151 U. S. 186-207, quoted with approval in *Continental Paper Box Co. vs. Eastern Paper Box Co.*, 210 U. S. 405.

“The defence claims that, on account of the numerous expressions to which we have referred, the patentee was limited to machines in which the frame travels and the plate remains at rest. It must be conceded that, taking these specifications and the claims as a whole, they show that Reece had present in his

own mind at the time of his application a machine with a movable frame and a fixed plate, but if this is all there is of it, and if this is sufficient to establish the defence, the question arises, Where does the doctrine of equivalents come in?"

Reece Buttonhole Co. vs. Globe Co., 11 C. C. A. 194.

"We find no merit in the contention that by the specific language of claim 17 of the patent, the Pettit invention is limited to the precise form there described, and that the patentee is limited to the identical plates shown in the patent drawings as stamped out of a single sheet of metal. Sec. 4888 of the Revised Statutes requires that the inventor shall particularly point out and distinctly claim the part, improvement or combination which he claims as his invention or discovery. This statute was complied with in the present case. It does not necessarily follow from the fact that the claim describes a specific form of construction, that the inventor should be limited to that form. All depends on his expressed intention, and the scope of the actual invention which he has made. If his improvement is but a narrow one, or if he has used language such as to clearly show his intention to limit his invention to a particular form described, then he is held to the language of his claim and limited to that specific form. But if his is a pioneer invention, or one of such merit as to be entitled to a liberal construction, the claim will not be thus limited, even if couched in specific language, unless the inventor has also shown his positive intention to relinquish to the public all other forms in which his invention might be embodied. . . . In *McCormick Harvester Co. vs. Aultman*, 69 Fed. 371, 392, 16 C. C. A. 259, 281, Judge Taft said: 'Whether he specifically claims in his patent the benefit of equivalents or not, the law allows them to him according to the nature of his patent.'"

Kings County Raisin & Fruit Co. vs. U. S. Consolidated Raisin Co., 182 Fed. Rep. 59-63, C. C. A. 9th Circuit.

"In determining about similarities and differences, courts of justice are not governed merely by the names of things; but they look at the machines and their devices in the light of what they do or what office or function they perform and how they perform it, and find that a thing is substantially the same as another, if it performs substantially the same function or office in substantially the same way to obtain substantially the same result; and that devices are substantially different when they perform different duties in a substantially different way, or produce substantially a different result."

Bates vs. Coe, 98 U. S. 41-42.

While some of the decisions of these two groups are irreconcilable, the great bulk of them form part of a logical whole. In view of a paper entitled "Mechanical Equivalents," read before the Association last year, which contrasted these groups, but maintained that the second group is bad law, and the fact that no decision nor any text-book, so far as I know, clearly states the relation between these groups of decisions, it may not be without utility to state that relation. In doing this I shall not attempt to treat the entire subject of the construction and application of claims, but only go so far into the subject as may be necessary to show the relation in question.

The courts, in the main, have correctly applied the law to the particular case at Bar and much of the confusion will be found to arise from the use, in discussing a particular case at Bar, of language which is so general as to include cases not intended to be covered thereby.

In considering the relation between these groups of patents it will be of use briefly to consider the history and purpose of claims in patents.

As patents were originally granted, the inventor was not required to point out the part, combination or improvement to which his invention related, or in which it consisted. But the prior art set up in defence of patent suits soon showed that practically every invention is an evolution of some earlier form of the device, so that no machine which is the subject of a patent could be said to be wholly the invention of the patentee. The patentee is, of course, not entitled to a monopoly of the foundation on which he built, but only of that which he added to such foundation. The Act of 1836, therefore, required that the inventor particularly distinguish between what he claimed and the foundation upon which he built. This resulted in the requirement that the novelty of the invention be defined in the clauses following the descriptive part of the patent, and which consist each of a single concise sentence, each clause being, in effect, a definition of the patentee's monopoly, or one of several monopolies granted by the patent.

1. The *first* step in applying the claim of a patent to any

given case in which infringement is charged, is to determine the meaning of the claim, that is, to interpret it as a matter of language. This procedure is controlled by the ordinary rules of interpretation; as, for instance, in interpreting a contract. In this proceeding, if the meaning is not ambiguous, it is wholly immaterial what relation the invention may bear to the prior art. Whether the inventor be a pioneer of the first order, or a mere improver, the rules of interpretation are the same. His claim, if definite, can have only one meaning, and no discretion lies to force or alter that meaning because the sympathy of the court may be appealed to. If, however, the claim is susceptible as a matter of language, of either of two interpretations, one of which gives protection to the invention, and the other not, the court will choose that one which "vitalizes the patent." (*Consolidated Fastener Co. vs. Columbia Fastener Co.*, 79 Fed. 798.) If one of two interpretations would render the claim invalid in view of the prior art, and the other would escape the prior art, the court would choose the other.

The language of the claim, as thus interpreted, determines the number of elements of the claim. (*McCarty vs. Lehigh Valley R. R. Co.*, 160 U. S. 110.) It makes no difference how important the invention may be, or how much it appeals to the sympathy of the court, the court is bound by the number of elements enumerated in the claim. As he only infringes a claim who uses the same number of elements as the claim, this is a most important function of the claim; since, to this extent, it is an absolute measure which cannot be changed by any rule or doctrine (except in such obvious cases as the implying of a missing element to make the combination operative, or the treatment of elements that are obviously unnecessary to accomplish the operative effect, as surplusage).

2. The *second* step is to determine, as to what elements of the claim, form or other peculiarity are essential. The particular form of an element is not essential unless

(1) The patentee has shown an intention to confine himself to the specific form of the element stated in the claim,
or

(2) He inserted language expressing the particular form

of the element as a concession to the Patent Office in order to obtain his patent, or

(3) It is necessary to treat the specific form of the element as essential to avoid holding the claim invalid because met in the prior art. In this manner it is determined as to which of the elements of a claim the specific form is not essential, and which must be found in the particular form in which they are described in the claim in order that the invention may be present.

If, as thus interpreted, the defendant comes within the terms of the claim, of course no further question arises. But if the defendant's device avoids the terms of the claim, either by accident or design, and the court is satisfied that the invention has been appropriated under the change in form, then resort may be had to the doctrine of equivalents to reach the defendant.

3. The *third* step, therefore, is to determine whether the elements of the defendant's structure which do not answer to the terms of the claim are equivalents of the respective elements in the claim. The theory is, of course, that the inventor is entitled not only to what he claimed, but every equivalent thereof and that an equivalent is that which performs substantially the same function in substantially the same way. The indefiniteness of the term "substantially" permits the court to do what it conceives to be equity in any particular case. If the invention be the first to perform its function, almost every other device which performs the same function may be considered the equivalent. Here the inventor is said to be entitled to a broad range of equivalents. If, however, the invention be but a slight improvement, only that which is nearly identical in form or manner of performing the function will be held to be an equivalent, and the inventor will be entitled to only a narrow application of the doctrine of equivalents. But an equivalent is something which does not come within the terms of the claim; and it is for that very reason that resort is had to the doctrine of equivalents. The doctrine of equivalents bears the same relation to the interpretation of claims, as equity bears to the hard and fast rules of law.

In determining the true interpretation of a claim, no resort is had to the prior art for the purpose of determining whether the inventor was a pioneer or a mere improver. (Unless it be necessary to choose between two interpretations, one of which vitalizes and the other destroys.) But in determining whether or not he is entitled to a broad or a narrow range of equivalents, it is necessary to determine whether he has made a long or a short step in advance.

It will thus be seen (1) that the claim of a patent defines the number of elements constituting the inventor's improvement; (2) that it determines the functions of those elements, and (3) that it (in connection with the specification and the transactions in the Patent Office) determines whether or not the particular form or special characteristics of any of those elements are essential to an embodiment of the invention. As to those elements where the inventor has not, from choice or compulsion restricted himself to the particular form or special characteristic, the court is at liberty to hold that any element in a combination of the same number of elements for the same purpose, is an equivalent if it performs its function in substantially the same way. The court, disregarding names and form "looks through the form for the substance of the invention—for that which entitled the inventor to his patent, and which the patent was designed to secure; where that is found, there is infringement; and it is not a defence, that it is embodied in a form not described, and in terms claimed by the patentee."

Winans vs. Denmead, supra.

We are now in position to show that each of the typical decisions above cited, in the two apparently opposing groups, applies to one or another step of the process of interpreting and applying the claim as above outlined, and that there is really no conflict between their groups.

It will be seen that much of the apparent conflict is due to the use of language by the courts, in a particular case, applying to or including all of the three steps above outlined, instead of distinguishing one from the other of those steps.

In *White vs. Dunbar* the court was considering a reissued

patent for a process of so preserving shrimps as to prevent their discoloration. The claim of the original patent stated that such process "consists in placing *textile fabric* between the can and its contents, and then sealing the can and subjecting the same to a boiling process, substantially as and for the purpose specified." The reissued claim stated that the process "consists in interposing between the metal can and the shrimps an *enveloping material for the shrimps, which is not itself capable of discoloring the shrimps*, and then sealing the can and subjecting the same and its contents to a boiling process, substantially as and for the purpose specified." The court held, in effect, that the original patent showed that the inventor considered his invention to consist only in the use of textile fabric and that the expanding of the claim to include such material as paraffined paper was an undue expansion. This would bring the decision under the first subdivision of the second step in applying the claim, as above stated, and the language of the decision, applied to this particular case, is correct. If the court meant, broadly, that a patentee cannot reissue his patent to expand his claim in a proper case, the decision is not good law, for the Supreme Court has since ruled this to be permissible, in *Topliff vs. Topliff*, 145 U. S. 164, and other decisions.

Merrill vs. Yeomans is a case where a new process, practiced by a new apparatus, produced a new product, "deodorized oil." There were only two claims in the patent, one for the process and one for the apparatus, but none for the product. The court was asked to construe the process claim as for the product. This was wholly contrary to all rules of construing claims.

In *Dunlap vs. Willbrandt Mfg. Co.* neither the description of the patent nor the claim indicated that the patentee regarded a special arrangement of air passages as important, as he had not called any attention to the fact, and the court refused to read the limitation as to that special arrangement into the claim, the claim as drawn being met in the prior art. This decision relates to the first step above mentioned.

Keystone Bridge Co. vs. Iron Co. was a case where the patentee had made certain tension bars "wide and thin" so that

they could support the floor of the bridge, and his claim so described them. The court held this limitation to have been intended and to be essential, and refused to enjoin the defendant, who used round tension bars which did not support the floor of the bridge. This was a case under the first branch of the second step above mentioned.

Lanyon Zinc Co. vs. Brown. Here the specification and claim made a certain feature an "essential feature" of the invention, and this feature was not present in the defendant's structure. This case relates to the first step above stated.

Burns vs. Myer. Here the claim read "As a new article of manufacture, a side-saddle tree, having the side bars and seat made separately and then united, substantially as and for the purpose set forth." The patent claimed certain advantages from being able to cover the separately made pieces of the saddle tree, then assembling them. Defendant's saddle tree had its side bars and seat made of one piece of bent wood. This case relates to the first branch of the second step above stated.

In the *Wood-Paper Patent* the claim was for a process of treating straw. The defendants used it for treating wood and the court held that as both straw and wood were vegetable fibres, it was an infringement to use the process for treating wood. This decision relates to the third step. My above quotation from this decision is confined to the exact extent of the quotation in the above-mentioned paper read before the Society last year.

Railroad Co. vs. Mellon was a case where, during his negotiations with the Patent Office, the inventor was rejected on a prior patent and had expressly limited his claim to avoid such patent. The court held that he had thus made such limitation essential. This case relates to the second branch of the second step.

In *Waterbury Brass Co. vs. Miller*, the language quoted in the said paper on "Mechanical Equivalents" from this case, was used by the court in considering the point raised by the defence that, if the defendants escape the claim of the patent they do not infringe even though they may have used the actual invention of the patentee. The court, however, found that what

the defendant did was a mechanical equivalent of what the patent claimed, and granted the injunction. This is a case relating to the third step.

In *Severy Process Co. vs. Harper & Bros.* the specification and claim were held to show an intention to limit the invention to the specific form of one of the elements of the claim, and the defendants did not use that form of such element. This case relates to the first branch of the second step above stated.

Universal Brush Co. vs. Sonn, quoted in the paper on "Mechanical Equivalents," was decided by the same court which rendered the decision in *Benbow-Brammer Mfg. Co. vs. Strauss*, 166 Fed. 114, that is so severely criticised in the said paper, namely, the Circuit Court of Appeals for the Second Circuit. In the *Universal Brush Co.* case the court was asked to *re-construct* the claim. The court recognized the doctrine of equivalents, but held the patent in question to be for a minor improvement and entitled only to a narrow range of equivalents, insufficient to reach the defendant. The decision relates to the first step above noted, and is in no wise inconsistent with the group of cases relating to the doctrine of equivalents.

Cimiotti Unhairing Co. vs. American Fur Co. This case (being by the Supreme Court) is by the same court which has so repeatedly recognized the doctrine of equivalents, and as late as 1908 (*Continental Paper Box Co.* case, which is later than the *Cimiotti* case). In the *Cimiotti* case the court held that the defendant's structure lacked one of the elements of the claim, and he had no equivalent therefor. It is, of course, elementary there can be no infringement if a claim specifies a given number of elements, and the defendant accomplishes the same result with a less number of elements. This case relates to the first step above mentioned.

The cases of the second group, relating to the doctrine of equivalents (and the third step above mentioned), are obviously in no manner in conflict with the decisions of the first group, and it is unnecessary to discuss the separate decisions specifically. They are cases in which none of the objections considered in the first and second steps of interpreting the claim were found to

exist, and the inventors were, therefore, entitled to the benefit of the doctrine of equivalents. In these cases the courts necessarily performed the first and second steps of interpreting the claims, so far as necessary, before being able to decide whether or not the inventor was entitled to the benefit of the doctrine of equivalents, and then considered whether the elements of the defendant's device were the equivalents of the corresponding elements of the patentee's claim.

There is, therefore, no conflict between the reasoning of the two groups of decisions, and the apparent conflict only arises from the use of general language, in discussing a given case, which, when considered without reference to the facts before the court is broad enough to include other cases not contemplated by the court. For instance, in cases of the first group, the courts, when considering questions only arising under the first or second steps of interpreting claims, have used language broad enough to include questions arising under the third step. And, vice versa, cases in the second group, to decide questions arising under the third step, have used language broad enough to include questions arising under the first and second steps.

PROCEEDINGS

OF THE

COMPARATIVE LAW BUREAU

The Fourth Annual Meeting of the Comparative Law Bureau of the American Bar Association was held in the Walker Building, Boylston Street, Boston, Massachusetts, on Monday, August 28, at 3 P. M.

Simeon E. Baldwin, of Connecticut, Director of the Bureau, presided.

In the absence of the Secretary, William W. Smithers, of Pennsylvania, Robert P. Shick, of Pennsylvania, Assistant Secretary, performed the duties of Secretary.

Eugene C. Massie, of Virginia, the Treasurer, attended with his report and all vouchers and bank deposit books.

The attendance was large, representing all sections of the country.

The following members of the American Bar Association, thereby being members also of the Bureau, were present: Julian M. Mack, Chicago, Ill.; Phanor J. Eder, New York, N. Y.; Wallace Batchelder, Bethel, Vt.; Perry P. Taylor, St. Louis, Mo.; Thomas H. Cobbs, St. Louis, Mo.; J. F. C. Waldo, New Orleans, La.; W. O. Hart, New Orleans, La.; A. P. Sawyer, Lowell, Mass.; W. M. Crook, Beaumont, Tex.; B. D. Tarlton, Austin, Tex.; Wm. Righter Fisher, Philadelphia, Pennsylvania.

The following institutional members were represented by written communications or by the delegates named:

Pennsylvania Bar Association: T. Elliott Patterson, Francis Fisher Kane, Wm. H. Sutton.

New York State Bar Association: Frederick E. Wadhams.

Virginia State Bar Association: Eugene C. Massie, Robert M. Hughes, James R. Caton.

Kentucky State Bar Association.
 Minnesota State Bar Association: Alfred F. Mason.
 Tennessee State Bar Association: H. H. Ingersoll.
 Bar Association of the District of Columbia.
 University of North Dakota Law School: Andrew A. Bruce,
 H. A. Bronson.
 Ohio State Bar Association: Frederick L. Taft.
 University of Maine Law School: L. A. Emery.
 Harvard University Law School: Eugene Wambaugh, Roscoe
 Pound.
 Yale University Law School: Simeon E. Baldwin, Henry
 Wade Rogers.
 University of Pennsylvania Law School: William Draper
 Lewis.
 Law Association of Philadelphia.
 Temple University, Department of Law, Philadelphia.
 California State Library.
 Bar Association of City of Boston: Hollis R. Bailey.
 State Law Library of Washington.
 Connecticut State Library: Simeon E. Baldwin.
 Cincinnati Law School: Eldon R. James, Francis B. James.
 Law Department, University of Minnesota: James Paige.
 Stanford University: C. H. Huberick.
 University of Chicago Law School: Ernst Freund.
 Cornell University, College of Law: Frank Irvine.
 Columbia University: F. M. Burdick.
 Law Library of Dayton, Ohio.
 Northwestern University Law School: George P. Costigan,
 Jr., John H. Wigmore.
 University of Nebraska, College of Law.
 University of Missouri, School of Law.
 Indiana University, School of Law.
 Law School, Western Reserve University.
 Ohio State University, College of Law.
 Boston University Law School.
 Pittsburgh Law School: James C. Gray.
 University of Michigan, Department of Law.

The Director then delivered his annual address.

(The address follows these minutes, page 714.)

The Treasurer's report was received, approved and ordered to be filed.

On motion of William O. Hart, it was agreed that a committee of three be appointed by the Director to nominate officers and managers for the ensuing year.

The Director named upon that committee: William O. Hart, Julian M. Mack and Frederick L. Taft.

Phanor J. Eder then proposed the following resolution:

"Resolved, That a committee be appointed to secure the co-operation of the principal law libraries of the country along lines important to the development and furtherance of the study of comparative law, viz.: publishing for general distribution of catalogues of foreign law books in their respective collections; devising a system for future purchases whereby each library may specialize, avoiding costly and often unnecessary duplication of works found in other libraries and whereby a complete and exhaustive collection of foreign statutes, reports, text-books, commentaries and periodicals may be established in this country; and finally devising a system of temporary exchange, under proper safeguards, whereby the foreign law collections of the libraries may be made more generally accessible."

After a discussion of the motion, it was ordered that the same be referred to the Board of Managers for their investigation of the same and with full power to act.

The Committee on Nominations then reported the following nominations:

For Director: Simeon E. Baldwin, of Connecticut.

For Secretary: William W. Smithers, of Pennsylvania.

For Treasurer: Eugene C. Massie, of Virginia.

For Managers: Frederick W. Lehmann, of Missouri; Andrew A. Bruce, of North Dakota; William Draper Lewis, of Pennsylvania; Roscoe Pound, of Massachusetts; and John H. Wigmore, of Illinois.

The respective nominees were thereupon unanimously elected for the ensuing year.

CONFIDENTIAL AND SECRET. 110

The Assistant Secretary reported the inadvertent omission in the Annual Bulletin of the Bureau for the year 1911, in the list of "Principal Foreign Law Collections in the United States," of the New York Law Institute, Post Office Building, New York City. The Director directed that a minute should be made of this announcement.

On motion, the Bureau adjourned *sine die*.

ROBERT P. SHICK,
Assistant Secretary.

ANNUAL ADDRESS OF THE DIRECTOR OF THE BUREAU OF COMPARATIVE LAW.

BY

SIMEON E. BALDWIN.

The general trend of the times towards the unity of the world continues unabated.

A WORLD MAP.

Great progress has been made in the preparation of the new map of the world, known as the One Millionth Map.

This was tentatively proposed at the International Geographical Congress at Berne twenty years ago, but first definitely sanctioned at an international conference held in London, in November, 1909. At this all the leading powers were represented except Japan. A friendly spirit of compromise was manifested, France agreeing to accept Greenwich as the basis of fixing meridians, and England and the United States to accept the metric system of measurements, permission to add the number of feet or versta, after the official designations of distance, being reserved.

The scale of the map is to be 1 to 1,000,000, and hence its ~~name~~.

Each country prepares its own part, and names of places are given in the language of the locality.

There will be about 1500 sheets, each measuring some twenty by thirty inches. They cover only the land and the islands of the sea. Fifty-two of these sheets will be required for the United States and our government, acting by the United States Geographical Survey, has already prepared nine.

Each country participating in the project is expected to assume the burden of preparing its proportional part of those parts of the world held by powers not becoming parties to the Convention of London.

In line with her agreement, above stated, as to adopting the meridian of Greenwich, on March 10, 1911, at midnight, France had all the clocks on railway stations, government offices and municipal buildings set back nine minutes and twenty-one seconds. This brought them in accord with Greenwich time, which is now used substantially in all countries of western Europe except Russia and Portugal.

A WORLD CALENDAR.

The Swiss Government, some months since, sent out an invitation for an international congress to devise a uniform calendar for all nations. The original suggestion came from an International Congress of Chambers of Commerce held at Rome, similar to that soon to be held in Boston. The English Board of Trade favors the plan, and both the Foreign and Home offices of Great Britain are disposed to do the same.

A bill for a reformed calendar has been introduced in the House of Commons. Its main provisions are these:

January 1, New Year's Day, shall be a holiday not counted as part of any week, month or year. This leaves 364 days to count, constituting fifty-two weeks of seven days, and four equal quarters of ninety-one days. Of these ninety-one days, there would be made two months of thirty days and then a third of thirty-one. Starting with 1912, Easter Sunday would be fixed to fall on April 14, and Christmas on December 25, and these holidays would recur on these identical dates forever. In leap years, a "leap year day" would be inserted between June 31 and July 1, but it would not be known as June 32.

One objection raised to this plan is that it might raise a case of conscience for the churches, as the exception from the week of January 1, and the corresponding day after the succeeding June in leap year, would leave the two Sundays, on either side of each, more than seven days apart in fact, however it might be at law.

Another plan, especially studied by the Swiss Federal Council before issuing its call, was one substantially devised by a Frenchman, M. Camille Flammarion, in 1884, and now pressed upon public attention by L. A. Grosclaude of Geneva.

Its main object is to allow the year to be divided into quarters, each of thirteen weeks, and to make each month begin on a Sunday. This can be accomplished by reducing the number of days from 365 to 364, and dividing each quarter into one month of 31 days and the two next of 30 days; turning December 31 into a *dies non*, so far as weeks are concerned, and, in leap year, excluding also June 31.

The Vatican, it is understood, favors this latter project. It will, like the English proposals, give an invariable date for Easter—a matter of importance also in arranging school vacations.

A WORLD CONGRESS OF WORLD CONGRESSES.

A natural result of the multiplication in recent years and growing importance of international conferences of an unofficial nature, led last year to the organization, at Brussels, of "*Le Congrès mondial des Associations internationales*"—a world congress of world congresses. Several hundred such associations are in existence, and a hundred and thirty-two signified their adhesion to the Brussels conference. That body voted that it would be desirable to secure, by a diplomatic convention, facilities for the incorporation, on a basis to be recognized by all the contracting powers, of any such association which might find its objects best promoted by a form of organization not regulated by the law of any particular country. The International Law Association approved this suggestion, at its meeting at London in 1910.

MONTHLY BIBLIOGRAPHIES.

A new monthly publication has been started at Berlin by the International Institute for a bibliography of Jurisprudence (*Internationales Institut für Bibliographie der Rechtswissenschaft*), which was organized last year. It is to cover such a bibliography for the preceding month, including the publications in all countries and languages, both of books, monographs and magazine articles. The name chosen is the *Zentralblatt der Rechtswissenschaft*.

THE AMERIKA-INSTITUT.

An "*Amerika-Institut*" has been founded under the auspices of the Imperial German government, of which Professor Münsterberg of Harvard was made the first Director. It is to further closer relations between Germany and the United States in regard to education, learning, literature, art, friendly intercourse, the general welfare of civil society and international peace.

NATURALIZATION IN PORTUGAL.

Portugal, by a decree of December 2, 1910,¹ signalized her change to a republican form of government by smoothing the way towards naturalization. Of the three modes of obtaining this—by an appeal to the executive, to the legislature or to the courts—she has preferred the former. The application is to be made through the municipality where the party resides. Three years residence in the country, only, is required. The applicant must have satisfied the demands of the military law of his own country, and thus a fruitful cause of diplomatic entanglement is avoided. For five years he remains ineligible to office and incapable of acquiring real estate.

RESIDENT FOREIGNERS.

The general tendency of modern nations to discourage any lengthy residence of their citizens abroad, as illustrated in the Act of Congress of 1907 as to Expatriation (34 Stat. at Large, 1228), is well supplemented by a correlative tendency to impose all the burdens they can on foreigners dwelling within their own borders.

Thus, the English courts have recently affirmed the right of England to exact an income tax from an American millionaire who has lived for twenty years on his yacht in one of her harbors, and the Court of Cassation of Belgium has decided² that a foreigner who has resided a year in Belgium is subject to regis-

¹ *Revue de l'Institut de Droit Comparé*, iv, 198.

² February 15, 1909. *Blätter für vergleichende Rechtswissenschaft*, etc., for April, 1911.

tration for service in the local militia (*Bürgergarde*), if there be no treaty between his country and Belgium to the contrary.

THE DECLARATION OF LONDON.

The bill for an Act of Parliament confirming the Declaration of London passed to its second reading in the House of Commons early in July, 1911, by a decisive majority. Strong but unavailing opposition was made by the Imperial Maritime League. On the other hand, it was approved by the Imperial Conference, which includes the representatives of the different British colonies.

Under this Declaration it is to become lawful for a belligerent to sink a neutral vessel, which it has captured for violation of a blockade and cannot conveniently bring home for condemnation. The United States favored this policy, and their position had great influence with the British ministry.

LABOR.


The so-called Ghent system of public aid to labor organizations is spreading rapidly in Southern Europe.

The pith of this plan, which was adopted in Ghent in 1904, is to have the municipal treasury, in case of a man's being thrown out of employment, join the labor union in making him an allowance for his support, until he gets work again. France gave, in 1905, authority to do this to her departments, and several of them are acting under it. Norway, in 1906, took a similar step and, as a government, gives a quarter of the allowance made by the union. Denmark contributes a third.

Strassburg makes a similar payment direct to the workman of one-half of whatever he gets from his union but not to exceed twenty-five cents a day.

Workmen who strike are not benefited by this system.

France, in April, 1910, passed an old-age pension statute, to go into effect in 1911. It is drawn on the lines of the German system. The employer, the employee and the republic all contribute. No person is included whose annual wage exceeds \$600.



The probable expense to the public treasury is estimated at, at least \$20,000,000 a year.*

COPYRIGHTS.

The British government is pressing through a bill amending and codifying the law of copyrights. They are to run for the life of the author and then for fifty years more.

The Argentine Republic, in September, 1910, adopted a different policy, extending copyrights for ten years only after the author's death. The Argentine statute also allows magazine articles, in general, to be reproduced, provided due credit is given to the magazine from which they may be taken.†

FRANCE.

The French government set up by a decree of July 1, 1910, what is substantially an official bureau of comparative and international law.‡

New regulations as to the membership of the French Council of Administration of the Ministry of Justice have recently taken effect.§

This Council acts as an advisory board of pardons, and has charge of matters of official discipline. Admission to the lowest class of its membership is probationary for the first year. That to its higher ranks is confined to those having the diploma of a licentiate in law, or to judges. The superior offices are filled by promotion, except that the head directors are appointed by the President of the republic on the nomination of the Minister of Justice. Their salary is \$3000, but the place is much desired because they commonly soon become counsellors of the Court of Cassation.

The Minister of Justice is kept through this Council of Administration in close touch with the criminal prosecutions pend-

* Am. Pol. Science Review, IV, 565.

† Revue de l'Institut de Droit Comparé, IV, 62.

‡ Am. Journal of Int. Law. V. 83.


§ Decrees of June 5, 1909, and March 13, 1911. See a good description of the changes thus made in the system in *Les Ministères*, La Revue hebdomadaire (L'Instantané), March 25, 1911, 478.

ing throughout the republic, and gives freely his instructions or advice as to what shall be pressed and what abandoned. Complaint is made that this gives an opportunity, not always unimproved, for favors to men in public life, at the expense of the independence of the judiciary. A judge is not likely to disregard the wishes of a Minister of Justice in whose hands lies his future prospects of advancement. All judges are originally appointed by the Minister, as in England, but without the English traditions as to the mode of selection, the small number to be appointed, and the practical permanence of tenure. French judges are numerous and receive very moderate salaries. Until 1908 there were no such safeguards of previous training, professional and judicial, as are prescribed in Germany and other states of Central Europe. There are still but few. The decree of February 13, 1908, imposes a mild sort of civil service examination for the minor judgeships. Applicants must have the degree either of doctor or of licentiate in law, as well as prove one or two years spent in studying or practicing law, except those who have obtained a prize from the National Faculty of Law, or have served as secretaries of the Conference of Advocates connected with the Court of Paris.

SPAIN.

In addition to the works mentioned in our bulletin for the current year as published in Spain in 1910, attention may be called to two, published early in 1911. One is by Professor Dorado, of the University of Salamanca, on Law and its Ministers (*El Derecho y sus Sacerdotes*, pp. 588). Each subject will occupy a volume, and that now issued treats only of law, philosophically considered. He writes with the vigor which always distinguishes his pen, and follows von Ihering in considering history as a long dramatic struggle of those without law, or without fair law, to get law for their just protection.

The other book is on the foundations of the law of real property, in comparative legislation (*Bases del Derecho Inmobiliario en la Legislación Comparada*, pp. 307). The author, Professor Luis Garcia Guijarro, of the Central University of Madrid, re-



cently spent a year in this country, and has in preparation a work on the Social Forces of America (*Las fuerzas sociales de América*), with special reference to what he observed while in New England.

Professor Guijarro presents a clear view of the different ways of passing title to immovables, whether orally, by the recording of titles, or by the recording of documentary transfers of title. In an appendix is given the Spanish law of 1909 on Hypothecations (*Ley Hipotecaria*), which covers forty pages. He emphasizes (p. 121) the personal relation between immovable property and the individual in all the Latin races, as showing that the law of property and the different manifestations of wealth are there "only accessories of the initiative and will of the individual," while Germanic institutions, and especially feudalism, degrade the individual to the position of an appurtenance to land.

CHINA.

China, by an imperial decree of May 24, 1910, going into full effect May 24, 1911, adopted the decimal coinage. The unit is a silver dollar, corresponding in weight, fineness and value quite closely to the dollar of the United States. Subsidiary silver coins are half dollars, quarters and dimes. There is also a nickel five-cent piece, and coppers representing one and two cents, half a cent and a tenth of a cent, the latter taking the place of the old "cash."

JAPAN.

Japan has now completed her plan, initiated in 1899, for the maintenance of an imperial industrial laboratory at Tokyo. It is divided into five departments, and to the appropriate one any person can go for an analysis or test of materials or products, which will be furnished at fixed prices, running from fifty cents up. If great dispatch is desired, the fees are doubled.

A significant proof of Japanese attainments in the art of government is given by the "Tenth Financial and Economic Annual" of the empire, published in August last in English. It is clear, concise and full, and embodies excellent maps and

graphic charts. The annual expenditures are still as great as in the first year of the Japanese-Russian war, consisting mainly of debt charges, some assumed in 1906 for railway nationalization. The state railways now yield a substantial net profit, after deducting interest on their cost.

Co-EDUCATION.

By a ministerial order, taking effect in March, 1910, co-education is forbidden, save under exceptional conditions, in the Prussian middle schools (*Mittelschulen*). These are city schools designed to round off an elementary education with a year of such additional studies as may best fit the pupils for ordinary life. There are to be separate schools for girls, wherever there are enough of them to make it economically desirable. As part of the course they are taught household work, and the boys, in their schools, shop work.*

Austria, on the other hand, by an order from the Minister of Public Works, beginning with the year 1910-1911, opened all industrial schools to both sexes. Instructors are directed to treat the boys and girls alike, but to omit instruction in anything which, "as between man and woman, would be avoided from ethical considerations."*

MINORS.

Legislation in Hungary, taking effect in January, 1910, makes it impossible to prosecute criminally any child under twelve years of age.*

AIR-SHIP LAW.

The Diplomatic International Congress to study out a system of international regulation for air-ships met at London, May 31, 1911, and remained in session several days, under the presidency of M. Alexandre Millerand, formerly the French Minister of Public Works, Posts and Telegraphs. A convention was agreed on in seventeen articles.

* Report of U. S. Commissioner of Education for 1910, 477.

* *Ibid.*, 484.

* Journal of the Am. Institute of Criminal Law, II, 284.

A main question of difference at the Paris Conference of 1910, and also at this, was as to whether the air could be considered as a *mare liberum* in respect to international voyages. Great Britain favored the retention by any power of the right to forbid foreign air-ships from sailing over her territory, under certain conditions.

England has provided by Act of Parliament that the Home Secretary can prohibit the flying of air-ships over cities, and on occasions when great danger to life might result from a fall. Under this authority, navigation of air-ships over London during the coronation ceremonies was forbidden.

In Germany, where the authorities have exercised similar rights for some years, the use of air-ships, carrying passengers, over Strassburg, was prohibited by a decree issued last fall. It is understood that this was a military measure, to prevent the possibility of snap photographs of fortifications. This broke up an air-service business between Strassburg and Baden-Baden, which had been recently started.

Connecticut, on June 8, 1911, passed a general air-ship law. All aeronauts must be licensed, after due examination, and the license is revocable for cause. Examinations are to be conducted by the Secretary of State, but he can accept the results of an examination conducted by any aeronautic association in which he has confidence.

Aeronauts and their employers are made answerable for all damages done, irrespective of fault or negligence.

In New Hampshire a similar liability has been adjudged at common law in respect to a descent from a balloon by a parachute.²⁹

The dividing line between the legislative jurisdiction of the states and of the United States, in respect to aerial navigation, will, no doubt, in time become the object of close inquiry. No Act of Congress, however, could trench vitally upon the general power of the state to protect the lives and property of her people from obvious peril or direct damage caused by interstate voyages; nor would it seem that the omission of Congress to legislate on

²⁹ *Canney v. Rochester Agricultural and Mechanical Association*, 79 Atlantic Rep., 517.

the subject of interstate aerial commerce could, as to a certain extent has been true of such commerce by water, be deemed equivalent to a mandate that it should be left free to all.

The dangers of unlicensed aviation, or of aviation in ill-constructed air-craft are so great as to make probable the general enactment, before long, of local statutes of a protective character.

SOCIAL UNITY.

In opening this address I spoke of the general tendencies towards the social unity of the world.

The nations are coming together. As all civilized nations were, for the first time, assembled at the Hague Peace Conference of 1907, so all were again parties to the Washington Conference in May, 1911, of the International Union for the Protection of Industrial Property.

There are movements towards political unity. A detailed scheme, even for such an organization, with a ready-made code in three languages, of both international and municipal law for its immediate use, has been, within the year, published by a Canadian barrister.¹¹ But identity of fundamental political traditions and concepts must long precede any political union of independent sovereignties. Social unification, and then the gradual adoption of similar legislation and institutions, fostered by agencies like this of ours, must lead the slow way to any point from which a universal government for the world, in local affairs, can be deemed even the remotest possibility.

¹¹ New Code of International Law, by Jerome Internecia. The International Code Co., N. Y., 1911.

PROCEEDINGS
OF THE
ELEVENTH ANNUAL MEETING
OF THE
ASSOCIATION OF AMERICAN LAW SCHOOLS
HELD AT
BOSTON, MASSACHUSETTS
August 28 and 29, 1911.

OFFICERS OF THE ASSOCIATION
1911-1912

ROSCOE POUND, *President,*
Harvard Law School.

GEORGE P. COSTIGAN, JR., *Secretary-Treasurer,*
Northwestern University School of Law, Chicago, Illinois.

Executive Committee.

THE PRESIDENT, *Ex-Officio.*

THE SECRETARY-TREASURER, *Ex-Officio.*

WILLIAM R. VANCE.
Yale Law School.

WILLIAM S. CURTIS,
St. Louis Law School.

WILLIAM DRAPER LEWIS,
University of Penna. Law School.

Monday, August 28, 1911. 8.00 P. M.

The Eleventh Annual Meeting of the Association of American Law Schools was called to order in the Walker Building, Massachusetts Institute of Technology, Boston, Mass., on Monday, August 28, at 8 P. M., by the President, William R. Vance.

The President:

The first business is the organization and the calling of the roll so that we may get a list of all the delegates present. I would request that the names of delegates be announced as distinctly as possible, and then that the chairman of each delegation, or a representative from each school, write out the names of the delegates and hand them to the Secretary.

The roll of membership was called, and showed the following schools represented by the delegates named:

Cincinnati Law School: Francis B. James, Eldon R. James and Lawrence Maxwell.

Columbia University, School of Law: Harlan F. Stone, Charles T. Terry and Francis M. Burdick.

Cornell University, College of Law: Frank Irvine and Alfred Hayes, Jr.

Creighton University, College of Law: Paul L. Martin.

George Washington University, Department of Law: Charles Noble Gregory and Melville Church.

Harvard University Law School: Joseph H. Beale, Roscoe Pound, Eugene Wambaugh, Bruce Wyman, W. E. Seevey and Joseph Warren.

Leland Stanford Jr. University, School of Law: Charles H. Huberich.

Northwestern University, School of Law: John H. Wigmore, George P. Costigan, Jr., F. B. Crossley, Albert M. Kales and Edwin R. Keedy.

Pittsburgh Law School: John D. Shafer and James C. Gray.

St. Louis Law School: William S. Curtis.

State University of Iowa, College of Law: Austin W. Scott.

Syracuse University, College of Law: Howard V. Rulison and Louis L. Waters.

Tulane University of Louisiana, Department of Law: F. M. Lehmann, Charles K. Burdick and D. O. McGovney.

University of Chicago, Law School: Julian W. Mack and Ernst Freund.

University of Colorado, School of Law: Lucius M. Cuthbert.

University of Denver, College of Law: George C. Manly.

University of Illinois, College of Law: Edward S. Thurston.
University of Kansas, School of Law: Henry C. Hill and W. L. Burdick.

University of Michigan, Department of Law: Evans Holbrook, J. L. Clark and Henry M. Bates.

University of Minnesota, College of Law: James Paige.

University of Missouri, School of Law: Manly O. Hudson, Selden P. Spencer and John D. Lawson.

University of Nebraska: Henry H. Wilson and Ernest B. Conant.

University of North Dakota, Law School: Luther E. Birdzell, Harrison Bronson and A. A. Bruce.

University of Pennsylvania, Law School: William E. Mikell, Crawford D. Hening, James B. Lichtenberger, Ralph C. Baker and William Draper Lewis.

University of Southern California, College of Law: Earle K. Backus.

University of Texas, Department of Law: B. D. Tarlton.

University of Wisconsin, Law School: H. S. Richards, W. U. Moore, E. A. Gilmore and John B. Sanford.

Washburn College, School of Law: Edward D. Osborn.

Western Reserve University, Franklin D. Backus Law School: Alexander Haddon and Homer H. Johnson.

Yale University Law School: William R. Vance, Arthur L. Corbin and Henry Wade Rogers.

The President:

Gentlemen, the Articles of Association require that the President shall each year deliver an annual address.

The President then delivered his address.

(The address follows these minutes, page 752.)

The President:

Dean Stone of Columbia University Law School had planned to be present this evening to address the Association, but unfortunately a change in the date of the sailing of his steamship from the other side where he has been spending his vacation will bring him here just one day too late. However, he has prepared a

paper for the Association which will be read by Professor Burdick.

Professor F. M. Burdick of Columbia University then read Dean Stone's paper, entitled "The Function of the American University Law School.

(The address follows these minutes, page 768.)

The President:

At the meeting of the Association in Seattle, in 1908, a resolution was passed requiring the Executive Committee to appoint two persons to open the discussion upon each paper presented to the Association. Therefore, as the first person of those designated I call upon Dean Richards, of the University of Wisconsin Law School, to open the discussion.

H. S. Richards, of the University of Wisconsin, Law School:

The President in his address suggests a twofold function for the law teacher: first, as a teacher; second, as a legal expert. Teaching is the primary function requiring for its perfection a natural gift coupled with unwearying industry. As a result of his studies incident to teaching, the teacher should acquire an expert knowledge of his subject, which in time should result in treatises or monographs that are authoritative. Most of the legal treatises, which are classical in our law, have resulted in this way. Such studies should give the teacher an intimate knowledge of the merits or defects of the existing law on the particular topic, and render his opinion or suggestions with reference to changes therein of particular value to reforming bodies and legislative committees. His judgment is not warped by a retainer, which should add to the value of his candid opinion.

I have made this rather obvious statement merely to emphasize the view that the teacher should come to his standing as a legal expert, not as an end in itself, but as the incidental result of his endeavor to make himself an efficient teacher, which he can only be in the best sense of the term when he has mastered his subject. But efficient teaching is the keynote—a man who regards his teaching as drudgery, to be endured for the stipend, while his energies are directed to other matters has no business in a law faculty.

The title of expert has been lightly bestowed in these days of rapid fluctuations in social and political theory. Two introductions in public as an expert is enough apparently to give an individual the title of an expert as far as the public is concerned. That is not the happy fate of the law teacher, however. Law teaching as a profession is a comparatively new thing. The Bar and the public has too long regarded law teaching as the side line of a practitioner or judge to receive the new profession with frank confidence. The profession also is too recent for any considerable number of law teachers to stand out conspicuously as legal experts. There are a few notable examples of law teachers who have attained reputations as legal experts, and the future is full of promise. Unfortunately the present agitation for law reform centers in questions of public law and procedure. Three fourths of the course in a law school is occupied with courses in private law. It is absurd to expect that men whose whole study and experience has been with questions of private law can properly be regarded as experts in public law. Their opinions would be of little value in solving public law questions.

None of the law schools give comprehensive and thorough courses in the public law, and the same may be said of procedure though in a less degree. Public law has been largely appropriated by the political science departments of the universities. The courses there given are as a rule extremely elementary, and are really courses in civil government under more ambitious titles. The President has suggested that political science professors are not in good standing with the law teachers. If that is true it is because such courses are too pretentious, and further taught for the most part by men who have had no legal training and therefore incapable of dealing accurately with judicial decisions. I am sanguine that we are to see more attention paid to public law in our law schools and the men who develop them will be in a position to lend valuable aid to legislative committees.

Granting that the function of the law teacher is not only to teach, but to lend aid in public matters, the schedule of work should be so arranged that the teacher will not be compelled to

do his full quota of teaching while engaged in this public service. We have recently had and are having a great deal of criticism of our judicial system, particularly that part dealing with the criminal law. The popular magazines teem with articles which are largely denunciations of conspicuous criminal cases; one would conclude that our whole judicial system had broken down and become an instrument of injustice instead of justice. It is impossible to sustain these conclusions based on a slight fraction of the causes, criminal and civil, annually disposed of by our courts. No accurate information is available to show whether or not on the whole our present system is a success or a failure. Every fair-minded citizen must admit that an institution or system must be judged by its work as a whole and not by sporadic incidents and cases. Intelligent action is impossible in the present state of knowledge. It is possible to collect this information, but its sources are various, and the work of collecting it is expensive and laborious.

The law teachers, particularly those connected with state universities, can render a great service to the public by collecting and classifying the facts showing the present workings of our judicial system. In the University of Wisconsin a sum of money has been set aside for such investigation and a member of the faculty has been devoting a large part of his time to this work. All criminal cases for a period of ten years are being studied to determine whether or not there are unreasonable delays in bringing a criminal charge and trying the same, as to whether causes are reversed or dismissed for purely technical reasons, not touching the merits of the case, etc. When this work is completed, we shall be in a position to say what defects, if any, exist, and be able to suggest appropriate measures to eliminate the evils in so far as they are due to the forms of procedure. Similar investigations should be made in every state. I can conceive of no greater service that the law teacher can perform for the public and the profession of the law than in throwing light on these vital problems.

The President:


We will next hear from Professor Kales, of the Northwestern University Law School.

Albert M. Kales, of Northwestern University School of Law: I object to Mr. Vance's references to "*the* ultimate function," as if there was and is and is to be only one ultimate function for the law teacher. I think we may premise from the very beginning that there was an ultimate function of yesterday which may be entirely different from that which we may have tomorrow; and in my conclusion I think I may have occasion to lay more stress upon the ultimate function of tomorrow than upon that of yesterday and today.

It always interests me to go back to what Professor Langdell had to say. He said that law was a science. That to him meant that you should take cases, and by the inductive method reach from them certain principles of law. So long as you had all the data, you could do this, and the process was simply one of reasoning.

Having all the data which are in the whole body of cases, all you had to do was to analyze, and reason with the proper logic. But suppose you have not all your data. Suppose you have only one-tenth of it with which to do your work. Can you perform this process of induction then? Clearly your induction in that case becomes mere speculation as to what the rule ought to be, or what the principle ought to be, and, in order to apply any scientific method to it, you must perform experiments and put your conclusion to a test afterwards, by which you can determine whether your speculation is the law or is not the law. So long as a professor in this country was dealing with the law of England, he may be said to have had all the data at his disposal in the English cases. If you will examine Professor Langdell's work, I think you will agree with me that his constant application of logic, his constant analysis of the cases, all came from the feeling that when he had the English cases, at least those before the Judicature Acts, he had all the data, and all he had to do was to analyze them, and then reason out the conclusion. I have no quarrel with that.

But, when Professor Ames came to look out upon the field of forty or fifty different jurisdictions which were supposed to be following the common law, he did not find the same situation.



He did not find the data complete anywhere. True enough, if he could pick from here and there and everywhere, he would get a sort of complete data; but when that data was applied to any one of these many different jurisdictions it was apparent that in no jurisdiction was the data complete from which you could reason out your principles. These principles, therefore, so elaborately wrought out by a selection of cases from all over the English-speaking world, are mere speculations of what ought to be the law. As a whole they are not the law anywhere. What we have learned to call "general law" is nothing but the speculations of the law teachers who have made our casebooks as to what the law ought to be. That is all it is—their speculations from imperfect data. The result is it is necessary now, if law is a science and we are to apply to it scientific methods, that we take some step to prove these principles. It is necessary to bring them to the test—to perform some experiments with them, before we can say that they are the law.

I believe the time has come when the law teacher must perform some of those experiments which will bring these principles of so-called "general law" to the actual test of experience, and the only laboratory that I know of for bringing the principles of this general law to a test is the courts. There is something of an overproduction of speculations as to what the law ought to be. Too much time is spent in the repetition of speculations already made. The time has come when it might be just as well to restrict a little those speculations and to spend some time in testing them in the courts. I believe the great question now before the law teacher is whether he will be the one to bring these principles to a test in the courts, or whether he is going to put it off on his students for another generation. Will he do it himself, or will he say that the students hereafter must bring the teacher's academic speculations to the test in the courts?

Now, I have only one answer to that, and that is that it is high time the law teacher undertook to do this himself. I am not speaking about the men over forty years of age. I am not speaking about the men who have been and are the representatives

of the ultimate function of yesterday, which I think was in Mr. Vance's mind. But I am speaking about the young men that Mr. Stone spoke of, who are starting out fresh from the law school at the age of 25—who are caught young, as Mr. Richards said. What about them? They have not made any casebooks, they are not making any comprehensive text books, and I doubt if they are going to make any. They have the analyses of casebooks from the men who constructed them. They have the notes of lectures of the masters who made the casebooks. When they go into the classroom, what do they do? They run off what has been handed to them, and if they have no other ultimate function, they keep on pouring out those speculations, with some additions, year after year, with the result that at forty years they have atrophy rather than progress to report. Therefore I prescribe for them this work of bringing to the test of the courts these principles of the general law which they have obtained from their instructors, together with any others that they can add.

To that end I would prescribe the following as something like the ideal progress for the young law teacher of 25, who has come out of a law school with a brilliant record and is now going directly into teaching, either with or without any experience in an office with a dozen clerks. Of course, he has his courses and he has his teaching. That has all been made easy for him, as I have explained. I would set him at work at once on the local law. He needs to become expert and efficient in the analysis and the statement of the local law in some principal course which he teaches. The expectation is that at the end of five years he will have produced a treatise by which the bar and the bench may judge of him in that particular jurisdiction. He is not practicing during this time. He has his hands full, I admit. He is teaching new courses, and he is doing the work of getting up the local law. At the age of thirty years he should have produced something by which the particular community may judge him. If he has not done so, then I think his career as a law teacher ought to end pretty rapidly, or else he ought to be relegated to some distant place, where he can do the least harm.

But if he is fairly successful, then he has another step to take.

It is then that he begins his effort to practice law. He practices law not at all as a practitioner in the ordinary American sense. He practices law as a law teacher, who goes in for the handling of difficult legal problems. He goes in for the handling of cases, and the giving of opinions on difficult cases, not the taking care of clients. That is the spirit in which he goes into his practice. If his subjects be in the torts, criminal law and evidence group, he ought to have a year off, and he ought to go into a state's attorney's office and try jury cases. Then when he comes out of that apprenticeship and back to his law school, he should be restricted to retainers from other lawyers. He goes into his work as an expert, and naturally goes into the cases which involve the difficult problems in the subjects which he teaches. If he is in the property or in the commercial law group, of course he must use his best efforts to secure the confidence of older members of the bar, who have clients and who are willing to give the law teacher his chance—at first, of course, in a desperate case that nobody can win. At 35 years of age the law teacher ought to have made some progress toward a standing at the bar. Between 35 and 45 ought to be the great period of his life, when he begins to bring the principles of his group of courses taught him by his masters to some actual test in the courts of his state, or in the courts of other states, if his fame is great enough to enable him to get outside the narrow confines of his own jurisdiction.

That is the ideal training for the law teacher of tomorrow. His ultimate function—the ultimate function of the majority—is to bring the speculations of his masters and his own, if he has any, to the test of actual experience in the laboratory of the courts.

The President:

In order that we may have the second paper brought before the Association, the discussion will be opened by Professor McGovney, of Tulane University.

D. O. McGovney, Tulane University of Louisiana, Department of Law:

Mr. President and Gentlemen: It has seemed to me that

there has long been a consensus of opinion among progressive law teachers that the function of the university law school is to ground its students thoroughly in the fundamental principles of the law, and how can this be done if it is not taught in a scholarly fashion, if the student is not caused to study it in a thorough-going manner, that is to say, in a scholarly manner. Scholarship in history, in science, in any branch of knowledge, is merely thoroughness of research, pursued with methods appropriate to that branch of knowledge.

The law is a system of rules evolved by society and evolving with the alteration of society. The rules are not hard and fast and clear-cut, for they are rules applied and to be applied to the facts of real life, facts varying both apparently and actually. Our knowledge of these rules tends to become static. The rules themselves seldom do. Almost every rule has a future growth as well as a past development. A most valuable phase of legal lore to be imparted to a student of any rule of law is its dynamic force. What is the trend of its development? What is the law of the future? The future, of course, is always beginning with the coming moment.

The scope and trend of a rule of law is only felt by a mind versed in its history, in the reason under it, or advanced for it, the soundness of that reason, the character and breadth of the reception the rule has received in recent times, and the state of modern criticism of the reasoning that formulated the rule. It is to the judicial decisions, past and present, that we look for the first hand, the source literature on all of these points. Of necessity the student must go to the early cases and to the late—and it seems to me that our so-called national law schools, once called here schools of comparative law, find a chief reason for using the literature of many jurisdictions in this, that the trend of a rule in one jurisdiction affects its trend in another, the criticisms of one court weigh with another. What is the law of one jurisdiction today may be the law of many others tomorrow.

It has seemed to most of us that the very nature of the subject matter that we teach demands scholarship, and scholarship of the highest university type. Certainly this view has prevailed with

members of this Association, though there have always been and remain differences as to the methods of instruction best adapted to the purpose, and no doubt, too, there are faculties under the control of minds less suited on account of their educational experience to grasp the full meaning of the ideal they profess to follow.

I certainly agree with all that the learned speaker has said in commendation of the scholarly teaching and study of the law. When the speaker came to treat of the recognized danger of a too theoretical teaching of law, and of the elements of the law school wherein this danger lurks, I could not follow him with the same approval. It seemed to me that the one example of impractical instruction he gave, viz., the young man who came to practice in New York without knowing where to find the most authoritative literature on the subject, was an example of an omission from the curriculum rather than a too theoretical instruction on the part of one or more of his instructors, and yet the gravamen of the danger was alleged to lie in the educational qualification of the individual teacher, and we were especially warned against taking into our faculties any teachers who were not experienced in the practice of law.

The fault was in the curriculum, in the determination of which the whole faculty has a voice, in most of our schools, at least in an advisory capacity; the fault was an omission from the total subject matter given out by the faculty as a whole, which should not have existed even if there were in that faculty one or two teachers who taught their particular quota of that subject matter in a too theoretical manner.

That a student should graduate from one of our best known law schools lacking in such commonplace information is truly astonishing. There is not a "closet" teacher or practicing teacher in the country who would not have explained to him that the decisions of the highest courts of New York were controlling there, and final, subject to the exceptions to the rule of *stare decisis*, had that teacher had exclusive charge of his instruction. As a sole preceptor, he would have imparted that information the first day. There was probably lacking in that school at that

time a short set of introductory lectures on the nature and sources of law, the function of the courts, and the relation of the jurisdictions, that is doubtless now supplied. Such an introduction is especially necessary in what we term here, national law schools, or schools of comparative law, for want of a better name. I prefer to think of them as schools which give a composite picture of the systems of law of many jurisdictions, systems essentially and in the main the same, with peculiarities that are blurred and dim in the edge of the composite photograph. Mainly we deal with the solid and clear portions of the picture leaving the dimmer areas to the easy exploration of the trained mind of the graduate.

Perhaps the brief lectures referred to might not prove sufficient. Perhaps in such schools it would be well to require each student to write briefs on points in the law of the jurisdiction in which he is to practice; points of some complexity, on which a variety of positions are taken in different jurisdictions, as for example, a problem involving the right of the beneficiary of a contract to sue upon it. Such briefing would compel the student to familiarize himself with the statutes and search books of his jurisdiction. A slight trial of this plan has shown it effective.

The example under discussion serves to warn us that defective legal education resulting from defects in the curriculum should not be charged against any particular mode of instruction, or against a portion of the faculty having a particular type of education. Our faculties are usually made up of men of various types. If matters more practical in character, matters more apt to be known to the practicing professors, or to the teachers who have engaged in practice, are lacking from the curriculum, perhaps the omission is chargeable to *their* lack of attention to the work of the school as a whole. Examples are not wanting of most admirably equipped teachers, especially practicing members of the faculty, who do not, to borrow the phrase of the principal speaker, "devote themselves unreservedly to the interests of the school."

Let us suppose that the total subject matter taught is properly selected and coordinated, and distributed among the teachers,

each his quota. Here begins the possibility of individual blame for too theoretical presentation or too theoretical teaching. The speaker has much emphasized the necessity of the teacher's having had experience in practice. It seems to me that he is too sweeping when he demands it for the whole field of private law. He agrees that there is much of practice that should be left for the student to acquire in the office. He says:

"No law school, for example, is as well adapted [as the law office] to teaching the apprentice how to prepare a case for trial, or to conduct the trial, or for teaching him how to collect and make use of evidence; and it may be doubted," he says "whether the law school, when once the first principles are mastered, can ever surpass the law office as a place in which to train students in the drawing of pleadings and the preparation of the various practice papers incident to a litigation."

This view, that there are many matters of practice that the law school should not undertake—that should be left to be acquired by the student in an office apprenticeship seems clearly right. It seems to me that a great deal of time is wasted in many schools, or spent with disproportionate results, in these matters. Doubtless we shall come in time to accept the recommendation of the Section on Legal Education of the American Bar Association that one year's apprenticeship in an office after three years in a law school be required of all candidates for admission to the bar.

It is not these matters of practice that the teachers must have engaged in practice to acquire, according to the views presented, because these are largely omitted from the curriculum. Had the learned speaker insisted upon the requirement in question for the teacher of such matters of practice as the school does present, for the teacher of any portion of procedural law, I could quite agree with him. But he includes the whole field of private law, including the substantive law.

He would certainly admit that a clear, sound mind, equipped with the analytical faculty and animated with the true student spirit could acquire a scholarly knowledge of the substantive law, without engaging in practice. The danger seems to be that this knowledge will be handed on to the student in an over-refined or too theoretical manner.

Now I can conceive of a temperament too philosophical to keep constantly in mind that law is a system of rules made by custom, courts and legislatures, subject to restatement, but not subject to alteration to suit the philosopher's principle of ethics, or love of logic. I can conceive of the too philosophical mind departing from the law as it is, to an abstract system that he deems more desirable, with the result that he fails to teach the law in a scholarly fashion, for he does not teach the law at all. The defect of such teachers, if such there be, is one not of education, but one of temperament. I do not believe that such a mind would necessarily be improved for law teaching by years of practice at the bar. The law teacher must be a man of practical imagination, a man mentally in touch with daily affairs, but it seems to me that the practice of law is not a necessary qualification for the teaching of most of the branches of substantive law, for it is not the sole method of keeping one's feet on the ground. In fact, examples are not wanting of well trained practicing professors who have enjoyed the hour in the class room as one in which they might give some flight to their views of what the law ought to be, and push logic to its extreme, untroubled by the restraints of court, and legislatures.

For teaching procedural law, as a general rule, wide and successful practice seems requisite, and it would seem that the teacher of procedure and practice should continue in practice as the best means of keeping in close touch with this phase of the law. Yet when one considers the success achieved by a few non-practitioners even in some branches of procedural law, generalization is seen to be quite fallible.

Take the law of simple contracts or of torts; wherein does the practitioner's experience improve his ability to impart these branches of law to students over the teacher who pursues the quasi-science of substantive law in his closet, it is true, but having in his mind the concrete and the actual? The lawyer has in his own individual practice but few cases compared with those he and the closet student have before them in the books. Certainly, if the closet professor lacks practical mindedness, he fails. Is it not all a matter of temperament?

It seems to me that there is confusion here between a practical knowledge of substantive law and a knowledge of the practice of law. It seems to me that the branches of substantive law are branches of a quasi-science, which may be acquired by scholarly research and taught in a scholarly and practical manner by a sane and scholarly student, though he may not have engaged in practice; and that if he has acquired poise and experience in practical affairs and is mature when he graduates, it would be a waste of time to engage in practice, provided it is his intention to confine his life study to some portion of substantive law.

I am very much afraid that the preference shown in the address to the practitioner, and even to the teacher who continues in practice, may be harmful in some localities where practitioners with the appropriate educational experience are still difficult to find. I have gone further to criticize the view advanced as extreme even for more favored localities.

Of course no one would understand me to advocate that mere graduation from a good law school is a sufficient qualification for teaching law. In the main the schools have selected men of maturity, of broad general education, and of more than the usual experience in business or in the art of teaching—an art they have often acquired in teaching other subject matter, but it must be remembered that principles of pedagogy are fundamental and universal, applicable to law as to other branches of knowledge, though often ignored in the law school.

I am conscious that I have commented only upon fragments of the very able address of the principal speaker. It would be useless to add weightless approval to so much that he has forcefully said. It has given me personal displeasure to find myself differing from him on some of the points I have discussed, but feeling that it is the object of our meetings to hear as nearly as may be, all sides of a question, I have felt it my duty to express myself.

The President:

Perhaps, before any further discussion takes place, it may be wise to advise the members present that the Executive Committee, in response to numerous requests made by teachers from all over

the country, has made an arrangement for a smoker to be given at the Hotel Brunswick immediately after the close of this session.

Is there further discussion? If not, it remains for the Chair now to appoint a Committee on Nominations. The following gentlemen are requested to serve on this committee: Henry M. Bates, of Michigan; Julian W. Mack, of Illinois; George C. Manly, of Colorado.

The committee will please be prepared to report at the meeting tomorrow, which meeting will be held in Langdell Hall, Harvard University, at 3 P. M.

I will appoint as members of the Auditing Committee the following gentlemen: W. U. Moore, of the University of Wisconsin; Alfred Hayes, Jr., of Cornell University; J. L. Clark, of the University of Michigan.

The Association will now stand adjourned until three o'clock tomorrow afternoon, to convene in Langdell Hall, Harvard University.

SECOND DAY.

Tuesday, August 29, 1911, 3 P. M.

The President:

We are honored this afternoon by having with us Viscount Uchida, the Japanese Ambassador to the United States, who will speak to us on "The Teaching of Jurisprudence in Japan." It gives me very great pleasure to introduce Viscount Uchida.

Viscount Uchida then delivered his address.

(The address follows these minutes, page 783.)

The President:

I am sure that I only give expression to the unanimous sentiment of this body when on behalf of the members of the Association of American Law Schools, I express to Viscount Uchida our very great appreciation of the honor he has done us, and assure him of the cordial thanks of the Association.

C. H. Huberich, of Leland Stanford Jr. University, School of Law, then read the report of the Executive Committee, as follows:

The Executive Committee reports that the annual mid-winter meeting of the committee was omitted this year, but that the committee held a session at 10 A. M., on Monday, August 28, 1911, in Boston, at which various matters were considered.

The committee after full deliberation makes the following recommendations:

1. That hereafter at the close of the first session of each annual meeting of the Association an informal reception to the Executive Committee and a smoker be held to facilitate personal acquaintanceship among the delegates.

2. That the application of the University of Oklahoma, School of Law, is approved, and it is recommended that said school be admitted to membership in the Association.

3. It is further recommended that the consideration of all other applications so far made for membership be indefinitely postponed.

(Signed) WILLIAM R. VANCE,
C. H. HUBERICH,
WILLIAM S. CURTIS,
GEORGE P. COSTIGAN, JR.

The report of the Executive Committee was thereupon accepted and its recommendations adopted.

George P. Costigan, Jr., of Northwestern University School of Law, then read the Treasurer's Report for 1910-11, as follows:

To the Association of American Law Schools:

On August 27, 1910, the balance on hand as audited was \$612.04. Between that time and November 19th, 1910, W. R. Vance, the retiring Treasurer, paid out for expenses of the 1910 meeting the sum of \$91.07, as follows:

Printing placards (Chattanooga).....	\$ 4.00
Telegrams	2.17
Clerk hire	8.00
Postage and registry fees.....	3.40
Reporting 1910 meeting (to C. A. Morrison).....	73.50
	<hr/>
	\$91.07

After such payments the balance of \$520.97 was turned over to the undersigned, who asks that the above payments be approved as part of his report. The present Treasurer's receipts and expenditures have been as follows:

Receipts.

Balance received from former Treasurer, W. R. Vance.....	\$520.97
Dues received to August 28, 1911.....	370.00
Interest on deposits.....	12.21
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Total receipts	\$903.18

Expenditures.

Lord Baltimore Press for printing Proceedings 1910.....	\$ 64.75
Exchange on checks.....	1.20
Tascher & Thulin, expenses other than postage in mailing Proceedings 1910	5.70
Tascher & Thulin, stamps bought for mailing Proceedings 1910	15.00
Other postage and envelopes.....	4.20
Express and freight.....	4.14
John H. Wigmore, Chairman of Committee on Translations of European Treatises, for express and postage	11.54
Schulkins & Co. for stationery.....	8.50
Schulkins & Co. for printing billheads, \$2.75 and Articles of Association, \$20.00	22.75
Miss J. Cassel, services as stenographer.....	5.72
Balance in State Bank of Evanston, Evanston, Ill., not checked against on August 28, 1911.....	759.68
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Total expenditures	\$903.18

The President:

This report will be turned over to the Auditing Committee.

Albert M. Kales, of Northwestern University School of Law:

Mr. President, I desire to offer the following resolution:

Resolved, That the Executive Committee (1) organize one or more Sections of the Association, each Section to be composed of all teachers in schools belonging to the Association who are giving a particular course or group of courses; (2) appoint a Chairman of each Section so organized; and (3) arrange for the meeting of one or more Sections at each annual meeting of the

Association. The said Executive Committee to have entire discretion in respect to the number of sections (more than one) to be formed, the length of time each shall continue to exist, and all details of organization and selection of programs.

In asking for the adoption of this resolution I would like to explain a little in detail what I had in mind. It seemed to me that in the last few years there has come to be an opportunity for the Association to go into a little different field of discussion from that which we have heretofore had. Our Annual Meetings have dealt with certain general subjects of interest in law school management. We have had controversy between the case system and the text book system of teaching law; we have had discussions as to the merits of teaching the local law and the general law; we have had a discussion of the honor system of holding examinations; we have had an investigation of the advantages of a college degree as a requirement for entrance. It seemed to me last night in the papers that were read that we started a discussion as to whether the law teacher should practice law, and if so, how. Those are very interesting subjects, and I think that at least one each year could well be brought to the attention of the Association. I think, however, that a great opportunity is being lost in not bringing to discussion some more technical matters connected with certain subjects which many of our members are interested in. It occurred to me that if each year all men giving a certain course or group of courses could be specially brought together at the annual meeting of this Association to meet in a Section in which they could discuss some technical aspect of the conduct of that course or the doctrines of that course or the way in which that course should be given, it would be very interesting and of great advantage to those members and possibly very interesting to other members who were not actually giving those courses. Take, for instance, the subject of property. Suppose you should gather together next year all the instructors in schools belonging to this Association who are giving any or all of the courses on property and could from them obtain a discussion of whether the arrangement of Gray's Cases was all that it ought to be. I know for a fact that two or three in-

structors throughout the country have objections about the way in which Gray's Cases are arranged. Now if these men, instead of grumbling in private, could be brought here to air their views and have them put down in a record of the proceedings, I think it would be a great advantage.

The motion does not attempt to bind the Executive Committee down to any definite course. I realize that it should have the widest possible discretion in the matter. The resolution only calls for the organization of one of these Sections at a time, with one Chairman and one program; and, as a matter of fact, under the resolutions, the Executive Committee need never appoint another Section if it does not think it wise to do so.

I would be very much pleased if I might have at least a second to the resolution that I have presented.

The President:

Gentlemen, you have heard the resolution. Do I hear a second to it?

John H. Wigmore, of Northwestern University School of Law:

I second it.

Joseph H. Beale, of Harvard University Law School:

It seems to me that this is a very interesting suggestion of Professor Kales, and one that might very well be carried out. I think it is worthy of more careful consideration than we can give it at this time, and I therefore move that it be referred to the Executive Committee, with full power to adopt it and put it in operation if they see fit to do so.

J. L. Clark, of the University of Michigan Department of Law:

I second that motion.

The President:

That is a substitute, I suppose, for Professor Kales' motion to adopt the resolution.

Albert M. Kales:

I will accept the substitute.

The substitute motion was then put and carried.

William S. Curtis, of St. Louis Law School of Washington University:

This does not make it obligatory on the Executive Committee to put into operation the plans suggested by the resolution, does it?

The President:

No. We have simply referred the subject matter of the resolution to the Executive Committee with power to put it in operation if they deem it best for the interests of the Association.

Is there any other business?

John H. Wigmore, of Northwestern University School of Law:

There are two reports to be presented—one by a Committee on the Study of Legal History and the other by a Committee on the Study of Legal Philosophy and Jurisprudence. They simply desire to report progress. The reports are very brief and I will read them.

REPORT OF COMMITTEE ON STUDY OF LEGAL HISTORY.

Your Committee on the Study of Legal History, appointed at the meeting of 1909, have the honor to report progress. During the past year our work has come to a head, and the present results can be amply seen in the prospectus of the series of publications, copies of which have been distributed at this meeting.

No further statement of our work is now needed. We merely take this opportunity to urge once more upon the members of the various faculties here represented, that they show an active interest in these translations when issued, and use all due efforts to make them useful to the students.

Respectfully submitted,

(Signed) JOHN H. WIGMORE, *Chairman*,
CHARLES H. HUBERICH,
ERNST FREUND,
ERNEST G. LORENZEN,
WM. E. MIKELL.

REPORT OF THE COMMITTEE ON STUDY OF LEGAL PHILOSOPHY
AND JURISPRUDENCE.

We have the honor to submit the report of the Committee on the Study of Legal Philosophy and Jurisprudence, appointed at the meeting of 1910.

The work done during the past year can be sufficiently seen from the prospectus, recently printed and now distributed at this meeting, of the series of translations on Legal Philosophy and Jurisprudence.

There is nothing at this time to add to the matters mentioned in the prospectus. The committee will merely take this opportunity to urge upon the various members of the faculties here represented their personal interest in these works as published, and their endeavors to enlist the interest of students in the study of this subject.

Respectfully submitted,

(Signed) JOHN H. WIGMORE, *Chairman*,
ERNST FREUND,
CHARLES H. HUBERICH,
ALBERT KOCOURCK,
ERNEST G. LORENZEN,
ROSCOE POUND.


These are reports of progress. Before taking my seat I will call attention to the prospectus of the two series of works just brought out from the printer, the first volume in each series of which is now going to press, and all members of faculties of the various schools who are interested are urged to take away as many copies of that prospectus as they please.

The President:

These reports, being simply reports of progress are received, and will be filed. Now we will have the report of the Auditing Committee.

W. U. Moore, of the University of Wisconsin Law School:

Mr. President, the report of the Auditing Committee is as follows:



We, the undersigned, your Auditing Committee, have the honor to report that we have examined the report and audited the accounts of the Treasurer for the year 1910-11, and have found the same correct.

Your committee further report that the adoption of a new system of bookkeeping and accounting is desirable.

This report is signed by the members of the committee.

I might say that it is not intended by the last sentence of our report to convey the idea that any irregularities were found in the Treasurer's books. The system was such, however, that it seemed to the committee that perhaps it might be improved, both for the convenience of the Treasurer and the hastening and making more easy the work of audit.

The President:

What is the pleasure of the Association with respect to the report of the Auditing Committee?

John H. Wigmore, of Northwestern University School of Law:

I move that it be received and filed and the Committee discharged with thanks.

Roscoe Pound, of Harvard University Law School:

I move as an amendment to that motion that the second part of the report of the Auditing Committee be referred to the Executive Committee, with power to act.

The motion so amended was seconded and carried.

The President:

The report of the Committee on Nominations is next in order.

Henry M. Bates, of the University of Michigan Department of Law:

I regret to say that it was impossible to get all the members of our committee together before this meeting. However, a majority of the committee met and present the following nominations:

For President, Roscoe Pound; for Secretary-Treasurer, George P. Costigan, Jr.; for members of the Executive Committee, William R. Vance, William S. Curtis and William Draper Lewis.

The gentlemen nominated were then duly elected.

The President:

I ask Mr. Curtis to take the chair, because I wish to take the floor for the purpose of offering a resolution.

Mr. William S. Curtis then took the chair.

William R. Vance, of Yale University Law School:

As perhaps some of the delegates present are aware, I had the honor to be Secretary of this Association for some years and so came to appreciate quite fully the considerable hardship that is imposed upon the man occupying that position. He is wholly without compensation, and, in addition to the fact that he must do much work, he is also compelled to attend all the meetings of the Association. Indeed, it is practically impossible for the business of the Association to be properly conducted unless the Secretary is present. The fact that he must attend all the meetings makes the hardship incident to the occupation of the position rather greater than ought to be borne by any member of the Association. In view of these circumstances, and in view of the fact that the balance in the Treasury is now comfortable, I offer the following resolution:

Resolved, That the expenses incurred by the Secretary-Treasurer in attending the annual meetings of the Association shall hereafter be paid out of the Treasury of the Association.

I move the adoption of this resolution.

Francis M. Burdick, of Columbia University School of Law:

I second the motion.

Chairman Curtis:

Is there any discussion of this motion?

Henry H. Wilson, of the University of Nebraska College of Law:

I move that the resolution be amended so as to make it provide for the payment of the expenses of the Secretary-Treasurer in attending the present meeting of the Association.

George P. Costigan, Jr.:

In reference to this resolution, I would state in the first place, that there will be no expenses of mine charged up to the Associa-

tion for this meeting, whatever the vote upon the resolution may be. In the second place, this resolution is Mr. Vance's own idea—it was sprung on the Executive Committee for the first time yesterday—and I am opposed to its adoption, unless an amendment is made to the effect that the present incumbent of the position of Secretary-Treasurer shall not draw his expenses from the Association.

John H. Wigmore, of Northwestern University School of Law: .

I had supposed that the expenses of the Secretary-Treasurer in attending the meetings were paid. The Section of Legal Education, the Executive Committee, and the Committee on Legal Education of the American Bar Association—who surely have no higher function in the realm of the profession than this—their expenses are paid out of the funds of the American Bar Association in going to and fro, attending the different meetings held in the course of the year. If that is a valid precedent from our larger and affiliated body, the American Bar Association, surely the expenses of the Secretary-Treasurer, if not also of the President of this Association, both of whom are indispensable to the work of this Section, should be paid out of the funds of the Law School Association.

Chairman Curtis:

I think it has always been customary to pay the expenses of the Executive Committee in attending meetings other than the Annual Meeting.

William R. Vance, of Yale University Law School:

That is the case. It has always been the custom that the expenses incident to the mid-year meeting of the Executive Committee should be met, but it has never been the custom to pay the expenses of any members of the Executive Committee in attending the Annual Meeting. In my judgment we should not now endeavor to pay the expenses of the members of the Executive Committee. In the first place, we should not have money enough; and, in the second place, I think members of the Association are perfectly willing when serving on that committee for the rather

short time required of them to pay their own expenses. But when it is remembered that the Secretary-Treasurer, in addition to bearing his own expenses at the Annual Meeting, is required to do no little work in connection with that meeting, it seems to me rather more than should be expected.

I do not accept Mr. Costigan's suggestion. I think it is all right that his expenses at the present meeting should not be included, but if he is not willing to have his expenses paid in attending the meetings hereafter, then I think he should be turned out of office.

Chairman Curtis:

Gentlemen, the question is on the motion made by Mr. Vance to the effect that the expenses incurred by the Secretary-Treasurer in attending the Annual Meetings of the Association shall hereafter be paid out of the treasury of the Association. All in favor of that will manifest it by saying aye; opposed, no.

The motion was carried.

The President then resumed the chair.

On motion, the Eleventh Annual Meeting of the Association adjourned *sine die*.

GEORGE P. COSTIGAN, JR.,
Secretary.

THE ULTIMATE FUNCTION OF THE TEACHER OF LAW.

BY

WILLIAM R. VANCE,

PROFESSOR OF LAW, YALE UNIVERSITY.


The work of the law school in the American University is now so fully established in public estimation that it is fitting that this Association should seriously consider what is the ultimate function of the teacher of law as a factor in the complex scheme of our social organization. The primary and recognized function of the law teacher is to give to his students such technical training in the law as will prepare them for efficient service at the bar; and this is to be accomplished principally by teaching them to reason accurately in terms of those rules of law and procedure that have been laid down by the courts in the United States and England. The secondary function of the law teacher, and that which will ultimately prove to be of no less importance, will be to serve as an efficient agency in bringing about the wise, comprehensive and prompt adaptation of our law and procedure to the new and changing needs of society. It is the purpose of this address to discuss this secondary or ultimate function; but in order to do so it will first be necessary to consider those circumstances in the development of our system of legal education that gave rise to the segregation of teachers of law as a class.

In early days young men just grew up into the legal profession, somewhat after the fashion of Topsy. It is true that they usually entered the office of a friendly attorney, who was supposed to direct the student's reading in the meagre library possessed by lawyers of that time, but it is probable that in the great majority of instances the direction was perfunctory, and the student was compelled to educate himself. George Wythe complained that

he was wholly neglected by his instructor, and considered the time spent in his office wasted, while Joseph Story wrote that when he went to read law in the office of Samuel Sewall, of Marblehead, that excellent man put into his hands for reading Coke on Littleton, and left forthwith for Washington to enter upon his duties as a member of Congress. At first Coke was too much even for Story, for we are told that after a day spent in a fruitless attempt to read with understanding that truly dreadful book, he sat himself down and wept bitterly. If such was the experience of the patient and incredibly industrious Story, we shudder to recall what must have been the sufferings of the less gifted law students of the day. Patrick Henry did not even go through the form of reading under an attorney, but wholly without assistance contended with Littleton's Tenures and a volume of the acts of the Virginia General Assembly for a period of six weeks, after which he secured admission to the Bar of which he afterwards became so conspicuous an ornament.

Indeed, the biographies of lawyers of this early day show clearly that the ceremony of admission to the Bar had little relation to the candidate's existing knowledge, but turned rather upon a rough estimate formed by the examining committee as to his capacity to qualify by the time he might be able to secure clients. This appears clearly in the account given of the examination of Patrick Henry. All of his distinguished examiners were agreed that he had no knowledge of the law, but only one of them, George Wythe, refused to sign his certificate of qualification, and that on the ground that he had not sufficient ability either to learn or to practice the law.

The earlier law schools, like those of Judge Reeves at Litchfield, and of Judge Tucker, at Winchester, Virginia, and even the more scientifically conceived one at William and Mary, were essentially personal in their nature, not unlike Mr. Tidd's class in London, whither the desire to master the intricate details of pleading turned young Jock Campbell, just entering upon the career that set the friendless Scotch boy upon the wool-sack. Here a lawyer who was proved to possess the gift of teaching was sought out as instructor by a score or so of young men. who




thus as a class, obtained better instruction than would have been the case had they been distributed among as many separate offices. It was still the old method of preparing for the bar by reading in the office of an attorney, advanced one step toward greater efficiency, the teacher's efforts being actuated partly by his desire to help worthy young men forward to the realization of their ambition, and partly by the fees paid by his pupils. The conviction was deep-rooted in the profession that reading in an office was the only practical method of qualifying for the practice of the law. The idea of institutional training in the law as a science, as one of the activities of the college or university, was so foreign to the professional mind that even Sir William Blackstone's elegant and luminous lectures at Oxford could not render it popular in England. In this country the attempts made by the University of Pennsylvania, in 1790, and Columbia College, in 1793, to establish and maintain courses of instruction in law were total failures, though they were able to command the services as professors of such men as James Wilson and James Kent. Nor was the effort of Harvard University, made in 1817, much more successful until Justice Story brought to it, in 1829, his great name, and great learning, and better still his indefatigable industry and kindly interest in the young men who gathered about him. The law school established at William and Mary College, in 1779, and that inaugurated at the University of Virginia, in 1824, were rather more successful, on account of the enlightened state of opinion in that commonwealth, due to the leadership of the remarkable group of able and cultured lawyers which glorified the first half century of Virginia's history as a state.

While the practicability of preparing young men for the Bar in law schools, conducted as parts of university organizations, was thus slowly being demonstrated in a few more favored educational centers, the very great majority of young men were still reading for the bar in law offices, and the few law schools that sprang up in various parts of the country were little more than groups of students gathered in the offices of lawyers, whether in practice or on the bench, who had the gift of teaching.

But even in the best law schools, those incorporated within institutions of higher learning, there was scarcely a suggestion, prior to the Civil War, of the formation of a class of teachers of law, as distinguished from those lawyers engaged in practice. It was taken for granted that the law teacher must be one who had achieved eminence at the bar or on the bench, and that he should give to his students such time and thought as the demands of his practice or of his judicial office would permit. There were a few instances in which the incumbent of a professorship of law withdrew from practice, as at Harvard and the University of Virginia, but such withdrawals were rather from necessity than from design. In other words, the idea still persisted that a young man should qualify for the bar by reading under the direction of one actively engaged in the administration of the law.

The quarter-century following the Civil War is an interesting period in the history of legal education in America. First, it saw a marked increase in the number of law schools and of the students attending them, due to a growing recognition of the superiority of the training received in the law schools over that had in law offices. Secondly, it gave rise to the night law school, sometimes established and maintained by men eminent at the bar or on the bench, with the generous intent to afford opportunity to young men of ambition and ability, but without financial resources, to secure a legal education, but often as a commercial enterprise intended to add to the incomes of those engaged in promoting and conducting it. Thirdly, the most important event of the period was the slow emergence of the teachers of law as a separate class among lawyers. Many different conditions conspired to bring about this result. The most obvious cause is to be found in the fact that many of the new State Universities, located in small communities, in which no considerable legal business was to be had, established departments of law and called to the professorships distinguished retired jurists, who were quite content with the dignified ease with which they occupied the teacher's chair, or practicing lawyers, who in the university town to which they were compelled to remove, found themselves marooned in a desert place, not fruitful of litigation.



A more significant reason for the differentiation of the law teachers as a class from those practitioners giving instruction incidentally in law schools, lies in a fact that slowly came to be recognized by the profession and the public generally. The instruction given by those men who, like, for instance, the great Virginia teacher, Professor John B. Minor, devoted twelve hours a day to the task of learning what is, in truth, the law, and how to teach the law so learned, was far superior to that given by equally able and conscientious men who could give to the heavy task of the teacher only such bits of time as could be snatched from the exacting demands of a large practice. The result was that the law schools employing only practitioners as teachers inevitably began to lose standing, and the pressure to call in men who were willing to devote all of their time and interest to the work of teaching, became too great to be withstood. But the real determining cause of the development of the class of law teachers lay deeper than either of the considerations just mentioned. It is to be found in the peculiar character of American case law. It is far more difficult for the lawyer in any American state to determine what is the law governing a doubtful question than for his English brother. In England there is substantially but the one jurisdiction, and the one court of last resort. A decision of a higher court, once rendered, stands as the law for the whole land, unless it be reversed on appeal. But it is not so in the United States. Not only has the lawyer in any state to analyze and harmonize the often discordant and conflicting decisions of the highest court of that state, but he must also bring into his mosaic of "matched cases" the decisions of the Federal courts sitting in his state, which, on matters of general commercial law, are not bound even to try to follow the state courts. But that is not all. If his case is absolutely concluded by a previous decision exactly in point in his state appellate court, he may rest with a mind easy save for the faint fear that his precedent may be overruled. But if his precedent is a little "off center," he may expect it to be distinguished away by reasoning drawn from similar but conflicting cases found in any one or more of forty-five other states, or even in England or

Canada. And if there are no precedents in his own state clearly applicable to the case at Bar, in supporting his contention, he is, in sporting language, up against the whole field. Under such circumstances in the search for authorities, state lines are not very broad. In a very wilderness of inconsistent and perplexing decisions rendered in almost a half hundred jurisdictions, he must first find the cases that are pertinent, and then he must by a process of pure reasoning sift out those cases that are well reasoned from those that are not, and make manifest to his court the correctness of his conclusions. But even this is not the whole of his task, difficult as it is. Aided by steam and electrical communication, commercial and industrial conditions are changing with a rapidity before undreamed of. Lord Bowen said that the law follows business. But the law is a notorious laggard. If business has greatly increased the speed of its progress, and the law keeps its ancient and slow pace, the interval of its lagging will become disastrously great. Therefore the law must quicken the pace of its development. The business interests, armed with arguments based on great economic truths, are pressing hard on the courts. The lawyer must know and appreciate these business interests and economic truths and so present them to the court that the ancient rules of law may be applied to modern industrial conditions in such a manner as to be consistent with the great economic principles and not in opposition to them.

It is clear that the task of the lawyer is a heavy one. No rule of thumb will help him. No statement in a text-book, whether in black-letter or italics, will answer his need, nor will any general principle of law that may have fallen, however eloquently, from the lips of a distinguished lecturer. The only help for our lawyer lies in his capacity to reason accurately and convincingly from fixed precedents. Hence there slowly arose a recognition of the fact that that law school did most for its students which taught them to think clearly and accurately in terms of settled legal principles, to analyze, test and weigh precedents under the fierce light of reason, and trained them in the art of applying old principles to new states of fact.

Mr. Langdell had appeared on the scene at Cambridge, and had

demonstrated that law should be taught inductively, as well as any other science. His views and his methods have spread over the land until it is difficult now to find a place so remote from the strong current of educational thought as not to recognize that the mere imparting of information as to rules of law, however important that may be, is but secondary to the chief work of the law teacher in training his pupils how to think clearly along legal lines.

Recognition of this as the proper function of the teacher compels the lawyer in the law school to make his election as to whether he will serve his clients or his students. He cannot serve both as they should be served. If the law is a jealous mistress in the courthouse, she is a veritable tyrant in the modern law school. The teacher who endeavors to teach properly courses extending over seven or eight hours a week by the so-called case system, may spend all of his possible time in preparation, without any regard whatever to union limits, and yet feel no little trepidation as he faces a class of fifty or a hundred bright young men who have spent hours in reading, comparing and discussing the cases on the subject matter of the lecture, and who have been trained to demand the reason why.

By the process thus described there has been developed, and now exists, a very considerable body of lawyers whose time and thought are primarily devoted to the teaching of law, and who may well enough be called professional teachers. There are many other able and admirable men, lawyers in practice and judges on the Bench, who lecture more or less in law schools to the distinct profit of the students. There are many of them who, undoubtedly, are induced to do so by the highest motives, and I would guard myself against being thought to disparage the value of their services to legal education. But in the nature of things they cannot find the time, even if they can command the intensity of interest, necessary for the kind of work now expected of the class of professional teachers. Again, by way of precaution, I should state that all recognize the fact that there are dull, lazy and inefficient teachers of the professional class, whose work is in every way inferior to that of the occasional

lawyer who brings from his busy office to the class-room such a brilliant mind, coupled with a genius for teaching, that his lack of time for class-room preparation is offset by his unusual natural endowments. But it is of the class of professional teachers that I wish to speak further.

With the recognition of the law teacher as a lawyer withdrawn from practice and its emoluments, and of the university law school as a place where the law is scientifically studied and taught for the good of the state rather than for the commercial gain of the teachers, the administrative authorities of our great universities are beginning to regard the law school in a different light. Heretofore, with but few exceptions, the law school's connection with its university had been little more than nominal. It was regarded rather as an affiliated, independent school than as an integral part of the general scheme of higher education, and as such it was expected to pay its own way from the fees received from students, and was not allowed to share in the income from endowments of privately endowed institutions, or in the appropriations made for the maintenance of state universities. Indeed such is still the attitude towards the law school in many institutions. But a marked change is in progress. Quite a number of the law schools of privately endowed institutions have now received separate endowments, or are allowed to participate in the income from general endowments, and in many of the state institutions the law schools are no longer expected to support themselves, but are maintained by the state in the same manner as other important departments of the university. The result of this changed attitude, in relieving the law school of the necessity of earning each day its daily bread has been to improve greatly the methods of instruction and standards of scholarship and to add greatly to the dignity of the law professorship. Salaries have been increased, not, it is true, to such an extent as to compare favorably with the income of successful lawyers in practice, but yet so as to provide a fair livelihood, and so to render professorships attractive to such of the abler members of the profession as may chance to possess scholarly tastes, and the teacher's gifts and temperament. But most important

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law should be better adapted to our present industrial and commercial conditions, and our procedure so reformed that the vexatious delays and miscarriages of justice that too often distress the unfortunate litigant, would give place to speedy justice, yet how are we to go about securing the wished-for betterment? It is perilous to change isolated rules without careful regard given to the indirect effect that will be produced upon other parts of our complex and extensive legal system. The state legislatures are always busy applying statutes here and there, but such patchwork rarely improves the appearance of the "seamless garment of the law," and sometimes fails to make it fit any better. Bentham and his followers thought the remedy lay in clear statement; but codification has not brought legal salvation. The clear statement of a rule that is unsound or unsuitable, economically or sociologically, will not prevent the rule in operation from working mischief to the body politic.

In latter days many people and some political leaders have sought to go to the root of the difficulty by holding a bludgeon over the judges designated to administer the law, and by the recall to discharge ignominiously those judges who enforce the law in such a manner as seems to the people unfit. Under the recall one would be uncertain whether to feel more sorry for the judge who is sworn to administer the law of the land and yet must be retired in disgrace if in so doing he renders a judgment that seems to the populace unjust, or for the poor lawyer, who, in advising a client, may have to balance the shifting state of an unsettled public sentiment against the fixed unreason of a settled rule of law.

But it is clear that there is only one class of men who can perform this necessary task of adapting the law, our corpus juris, to the needs of society under existing industrial and sociological conditions. It must be done by the lawyers. But having reached this conclusion we are met with another difficulty that seems heretofore to have proved fatal. The successful accomplishment of this work of adaptation will require intellectual ability of the very highest order, and wide and balanced learning in a field as broad as our social organization itself, and as varied as human

activities and interests. It will also demand immense labor, involving the expenditure of much time in research, in comparing, restating, remoulding and readjusting our conceptions of the right and wrong of social and industrial relations, and our notions of the procedure by which the right is to be upheld and the wrong prevented. And with it all is the ever present necessity of maintaining the continuity of the great current of the law that has come down to us through the centuries, swelled to an ever fuller tide by the successive judgments of the generations that have gone before, embodying their conceptions of what is right, and of the procedure by which the right is best preserved. What lawyer, or set of lawyers engaged in active practice, can be expected to assume the burden of such a task, with full knowledge that their compensation will be found only in the consciousness of a valuable service rendered, but not paid for? The practicing lawyer who has the ability, the learning and the sound judgment of affairs necessary to the accomplishment of this great work of adaptation, is sought by many clients, bearing shining fees in their hands. He naturally undertakes their business. He must keep up with the hurrying procession of lawyers that press on to leadership at the bar. Having become attorney for his clients he cannot be false to the trusts they have reposed in him. He must conduct their affairs properly, and in so doing his time and his strength are consumed. It is not reasonable to expect him to turn his back on his clients, to pause on the open road to fame and fortune, in order to take up the doubtful cause of so impersonal and ungrateful a client as society at large. And he has not done it. We should pause here, by way of fairness, to say that lawyers as a class have no less of public spirit than other men, and to note that many honored men have made themselves exceptions to this broadly stated rule by devoting much time to the unremunerated service of the legal profession and of the public. In the small class of philanthropists of this order one naturally thinks first of the late David Dudley Field; and among the living it would be possible to mention other great lawyers who have given nobly of their time and labor in advancing the interests of the public in the better adminis-

tration of the law. But such workmen are too few, and their opportunities too restricted, for the achievement of so great a labor.

But who, then, is to do this work, crying so loudly to be done? Not those lawyers in practice who have much unused time because they have few clients. The briefless barrister is justly feared as a reformer, for, though he be learned in the books of law, if he has held himself out to serve clients and had none, it is an adequate judgment that condemns him as being, for some reason, unfit for affairs. Then, again, who is to do this work? The answer is that the new class of lawyers just emerging into group consciousness, the law teachers in our great universities, will ultimately rise to the accomplishment of this work of adaptation, always with the ready aid given so cheerfully by lawyers engaged in active practice.

This idea will be shocking at first hearing to our brethren at the Bar or on the Bench, for they fear the college professor as a reformer even more than the briefless barrister. To the lawyer in practice the term professor of law ordinarily suggests two somewhat variant pictures: The one of a little man sitting in a large chair engaged in the occupation of causing the young men before him to regurgitate divers supposed rules of law that have been taken from some text-book and swallowed without mastication; the rest of his time being spent in the dull labor of grinding out text-books or cyclopedia articles which possess some value as collections of authorities to be rightly used by the able lawyer. The second is of a person possessing a brilliant but erratic mind, full of useless and obsolete legal lore, but without knowledge of the practical affairs of life, or interest in those human elements that have not less significance in the administration of law than reason and logic; one having the greatest interest in the ancient writ of *ouster le main*, but none at all in the question whether a writ of injunction may be had to free the great manufacturing corporation down the way from the line of pickets set before its gates by striking employees. It is quite true that it is possible to find individuals somewhat like these types among the teachers of law. But they are not numerous, and are fast giving place to

men of a very different kind. The profession, for the reasons heretofore stated, is becoming more and more attractive to the ablest class of young men who qualify for the Bar. Already one may single out not a few who possess in a marked degree those qualifications of mind and temperament which would ensure marked success at the Bar. Some of these strain at the leash, and presently forsake the ranks of the teachers to seek the more exciting and lucrative life of the practitioner, but others remain because the tremendous significance of the teacher's work appeals to them, and they think more of the service to be rendered than of the pay to be received. Many of these teachers are alive to their very finger-tips, and are even more interested in the live American of the twentieth century, of the kicking variety, than in the dead feudal over-lord of the fourteenth century, of the Year-book sort. The nature of the work required of the present day teacher of law, as shown above, compels him to be a student of the science of the law as a whole to an extent never possible to the lawyer in actual practice. He has the opportunity to secure a perspective of the whole field of the law, an appreciation of the continuity of its principles and procedure, which, as we have seen, is absolutely essential to the successful work of adapting it to the changing needs of modern society. There is a tendency now developing, as shown above, to lessen the burden of class-room labor, so heavily laid upon him heretofore, with consequent time afforded for working at the problems presented by the present unsatisfactory state of the law. More and more, there will be drawn into the teaching profession lawyers sufficiently able and possessed of that sound judgment in affairs necessary to any successful work dealing directly with human life and interests. Thus, for the first time, there is open to a class of lawyers able and qualified to do the work required, an opportunity to gain a knowledge sufficiently broad for the task, and the time necessary for careful reflection and sound construction. No one can accomplish it by himself, nor can ten, but a hundred law teachers, working at the same problem in generous emulation, over a number of years, will work out a solution.

Speaking broadly, there are three great channels through which

the law teacher may make his work effective in aiding the accomplishment of this great task: First, by making use in his classroom of the opportunity to influence the students who are to be the lawyers and judges of the future: secondly, by research and publication; and thirdly, by working directly with commissions, Bar associations, and legislative committees charged with the duty of considering and recommending specific legal reforms.

Considering his work as a teacher from this point of view, it is to be observed that while the function of the American law school is to give a working technical knowledge of the law as it has been made by the courts and the legislatures, it by no means follows that the function of the teacher is confined to imparting information concerning the rules of law or to training men in the art of reasoning out solutions of legal problems. While information is unquestionably of the greatest value to the man who needs it, just as his tools are of the greatest value to the artisan at his work, or his weapons to the soldier on the firing line, yet the giving of information is not teaching in its wide and true sense. When we speak of the wonderful teachings of the great Master of Nazareth, which transformed a handful of insignificant Galilean fishermen into a group of moral and intellectual giants, capable of setting on foot a movement that should dominate a world that for generations had looked with scorn and contempt upon the truculent and disorderly people of Palestine, we do not have in mind the information He imparted to His disciples. It was the truth that He taught—those great basic principles of right and justice that tend to bring all the thoughts and acts of men into right relation the one with the other, and thus to make possible that marvellous state of affairs which we call Christian civilization. Clearly, then, the teacher of law is no true teacher unless he lays before his students and makes beautiful to their eyes those great principles of right and justice that either do underlie, or should underlie, all of our rules of law, and sends forth his students to the bar not merely actuated by a determination to exact from the public as large a revenue as possible, but each fired with a zeal to promote justice among his fellows and to advance, as far as lies within him, the welfare of

society, by making the law that is administered as nearly as may be, the law that is needed.

As a further means of aiding the more rapid reduction of our complicated system of law toward simplicity and efficiency, law teachers may well publish the results of their studies of difficult and obscure principles of law, which by reason of being misunderstood and misapplied, have worked injustice by promoting litigation. Perhaps the most striking example of a service of this kind rendered in our generation by the publication of a great and scholarly treatise is found in Mr. Wigmore's monumental work on Evidence. Among other conspicuous examples of such work one may mention the articles of Professor Langdell and Professor Ames published in the *Harvard Law Review*, and the essays of Professor Thayer and of Judge Baldwin. There have also been published not a few clarifying monographs of greater extent that possess much value as simplifying and determining obscure rules of law, such as Professor Gray's "Rule Against Perpetuities," and "Restraints upon Alienation," and Professor Kale's "Future Interests in Illinois."

But the most direct means of influencing the adaptation of the law will be found in the teacher's growing opportunities to bring the results of his research and constructive scholarship before law commissions and legislative committees. Already there have been many instances in which scholarly and able teachers have rendered conspicuous services of this kind. Thus the conference of Commissioners on Uniform State Laws has called upon distinguished professors of law to draft codifications of the law of sales, of warehouse receipts, of stock transfers and of bills of lading. Other professors of law have at the current session of the conference presented a draft of a partnership act. Yet other law teachers are busily engaged in working out, in congresses and in the public journals, the vexed problem presented by our marriage and divorce laws. Still another group have seriously undertaken the careful consideration and reform of our criminal law, and through the Institute of Criminal Law and Criminology, and its publications, are making marked progress. Similar activities are observed in other fields of the law, and it is to be

noted that in these activities the best and most learned of our teachers of law are working in harmony and mutual helpfulness with those distinguished lawyers in practice who honor themselves by engaging in this unremunerated service.

When an accounting is really made, the high reward of honor is given to those that serve the best. If the teachers of law advance courageously and unselfishly along the broad path of opportunity that now lies open before them, and render this great service which the public so loudly demands, they will deserve and receive a reward that is none the less great because unpaid save in honor.

THE FUNCTION OF THE AMERICAN UNIVERSITY LAW SCHOOL

BY

HARLAN F. STONE,

DEAN, COLUMBIA UNIVERSITY LAW SCHOOL.

There has been no more striking movement in the history of education than the development of legal education in the United States in the past fifty years. Although the law demands that its practitioners possess trained powers of analysis and discrimination and minds stored with knowledge which historically is the product of social and economic conditions running back into the middle ages, it is only in recent times that educational institutions as such have taken up the systematic training of candidates for admission to the Bar, with the purpose of fitting them for the practice of their profession. In 1860 there were 12 law schools in the United States, and of these not more than two or three, and certainly less than half, could fairly be characterized as professional schools, offering courses even approximately qualifying their graduates for the practice of the profession of law. At the present time there are 114 schools of law in the United States awarding to their graduates the degree of bachelor of laws or equivalent degrees, all avowedly existing for the purpose of fitting their students to take up the practice of law. Of these 23 are proprietary, or at least are not affiliated with any college or university, and may be suspected of the faults which experience has taught are usually incident to the proprietary professional school. The remainder, or 81, are either departments of universities or affiliated with colleges or universities.

The proprietary law school came into being as a result of the unwillingness of the university to offer professional courses in law. With the proper development of the university law school

and the consequent raising of standards of admission to the Bar, it is inevitable that the proprietary school will in the course of time be replaced, just as the proprietary medical schools, which owe their origin to a similar condition, have been or are being replaced by the better equipped and more disinterested professional schools maintained by colleges and universities.

Looking toward the future, then, the problem of legal education lies in the somewhat delicate adjustment of the function of the professional school, having the educational ideals of the university, to the practical needs and aims of professional training. What is the function of the university law school? Can there be any difference of opinion with respect to its proper sphere? One has but to turn to the catalogues or bulletins of information issued by the college or university law schools in the United States to receive an affirmative answer to this question. Realizing how often in this world performance falls short of promise, one is led to believe that the diversity of views as to the proper function of the law school is even greater in practice than in theory. Of the 81 college or university law schools in the United States, 25, or nearly one-third, maintain a two-year course, and of these 9 maintain evening schools only. In the case of a very large percentage of college or university law schools it requires only a slight knowledge of their curricula to know that their university relationship is more nominal than real, so far as any influence is exerted on their scholarship, and the writer has no hesitation in asserting that an even larger percentage serve no educational purpose beyond the preparation of their students for the Bar examinations, which in many of their respective states are notoriously lax and inefficient. There can, of course, be no serious question in this gathering but that the university law school has a more important service to perform than the mere preparation of its students for Bar examinations. But to what extent legal education should be made to conform to university standards of sound scholarship is a question to which there is no unanimous answer, even from the members of this Association. Has the law school properly performed its function when it has fitted its graduates for admission to the

Bar and qualified them to begin their apprenticeship in law offices, or should it go further, and even at the sacrifice of immediate practical advantage bend its energies toward giving to its students sound theoretical training from the scholarly and possibly more academic point of view? A few of the law schools of the country, far too few, the writer believes, have answered this question in the affirmative, but the greater number yield in varying degrees to the ever-pressing and insistent demand for instruction which will fit the student for the Bar examination, or carry him a little further along toward the completion of his law clerkship than he would have been carried by a like period of study in a lawyer's office.

In answering the question—What is the function of the university law school?—it should be borne in mind that the entire history of legal education teaches us that the law school is peculiarly the place for the student to become master of the principles of law from the scholarly and theoretical point of view. It is because of this that the law school has succeeded in competition with the lawyer's office as an instrument of legal instruction. It is only in the law school that the student has opportunity for systematic investigation under competent instruction into the origin, history, nature and application of the great body of principles which go to make up our common law and equity systems. It is in the law school only that he can receive adequate training in those powers of analysis and discrimination in dealing with legal problems which are indispensable to the intellectual equipment of the competent lawyer. The training of the law office, even under the more favorable conditions which obtained one or two generations ago, could not compare in this respect with the advantages afforded by the efficient modern law school, and under modern conditions systematic training in legal principles in the law office is an impossibility.

But while the law office is not, and in the nature of things cannot be, a competent school of instruction for systematic training, we are bound to recognize that no law school could be better adapted than the law office to give to the young practitioner

some of the training essential to his success. No law school, for example, is as well adapted to teaching the apprentice how to prepare a case for trial, or to conduct the trial, or for teaching him how to collect and make use of evidence, and it may be doubted whether the law school, when once the first principles are mastered, can ever surpass the law office as a place in which to train students in the drawing of pleadings and the preparation of the various practice papers incidental to a litigation.

In determining the function of the law school in the university, therefore, we must frankly recognize that it can only supply the student with a part of the intellectual training and experience necessary to make him a competent practitioner. But, on the other hand, it must be remembered that the absolutely essential and vital part of his legal education, viz., sound theoretical training, can be provided only by the law school which maintains the scholarly ideals of the university. It is, therefore, the function and duty of the law school to bring to bear all the powers of its scholarship and all the skill of its teaching, in providing such training. Its first duty and highest privilege is the stimulation and training of the student's powers of analysis and discrimination in dealing with legal problems, to the end that its graduates may possess trained legal minds familiar with legal principles, rather than minds stored with an accumulation of rules and exceptions or lumbered with memorized precedents.

But if the law school is to devote itself primarily to training and to the study of legal principles, is there not danger that it will become too theoretical, too academic, and thus defeat its own purpose as a vocational school? This, of course, is a very real danger if the law school does not so control and shape its instruction as to give to its training a practical character and application.

I well remember a young man who graduated from one of our best-known law schools and began his period of clerkship in a New York law office. On being directed to look up a point of law, he returned to his employer after a couple of days and reported that he had given the matter very careful thought and consideration and as a result he had come to the conclusion that

the law was thus and so. His opinion was well reasoned and theoretically sound, but unfortunately, while there was no authoritative decision on the point by our higher courts, the Supreme Court, which is the court of original jurisdiction in our state, had taken a different and diametrically opposite view of the subject and had expressed its view in a number of available opinions, search for which our young friend had not considered important, in view of his own carefully prepared opinion and in the absence of a decision of our higher courts. It is only fair to say that that young man, with increasing experience, has become an extremely sound and capable lawyer, and he possesses a breadth of view and an understanding of the principles of the law which he never would have acquired had his legal education been limited to cramming his mind with rules and exceptions and the latest decisions of the particular jurisdiction in which he expected to practise. But it was not fair to the young man nor to his profession that the law school should give him such an impractical view of the law as was indicated in his first attempt to apply its training. A well-known law office in New York City, which selects all its clerks from the graduates of two of our well-known schools, posts the following notices in its library. The first reads: "The law of New York is determined by the courts of New York." The second reads: "You will find an authority on every point in your case if you search for it." The members of that firm recognize the value of the theoretical training given by those schools, but the notice posted in their library shows that they realize likewise the weakness and danger of such training unless subjected to proper influences.

The use of decided cases as the basis of all class-room discussion, now generally adopted by the law schools of the country, not only tends to accuracy and precision of thought on the part of the student, but it gives reality and the immediate practical application to the theories which they embody, and is unquestionably of great advantage in giving the legal education acquired by that method a soundness and practical character which it would not otherwise possess. But there is always danger that the decided cases may be used to prove a theory rather than

test its soundness, and unfortunately support may be found for almost any theory if the instructor is not limited as to his jurisdiction. The young man to whom I have referred was trained under the case system and my observation leads me to believe that his case was in no way exceptional. The danger, then, that the law school which is devoting itself primarily to legal training along the lines which seem most desirable will become too academic in spirit is not removed wholly by the study of law from cases. To avoid this danger the instructor himself, particularly in private law, must have had experience and must have been subjected to influences which will insure his emphasizing the true relation of his instruction, however theoretical, to the law as an actually existing practical system for the administration of justice. This experience and these influences come only from having actively engaged in the actual practice of the law. It is there that the lawyer becomes familiar with the difficulties in the application of legal theories and with the practical considerations which are important, if not controlling, in determining the forms of practice and the substantive rights of litigants. It is believed that there is no more dangerous tendency in legal education at the present time than the too common practice of calling young men just graduated from a law school to the important work of law teaching exclusively, private law subjects, before they have had actual experience in practice. In making this assertion I am not unmindful of the brilliant and successful exceptions to what I believe is the sound general rule. If it is true that the function of the law school is to approach the study of law from the theoretical and scholarly side, it is equally true that it must not become so academic as to separate itself from the profession which it represents and for the practice of which it undertakes to train its students. Yet how can this result be avoided if its teachers or any considerable number of them have no actual experience in its practice and have never acquired by contact its sentiments and traditions?

But can the teacher having had experience in practice be depended upon to approach his subject from the theoretical viewpoint? I am aware that the opinion exists among law teach-

ers and administrators that he cannot, or at least will not, so approach it and that the practice of the profession for any considerable period tends to destroy his capacity for what Professor Williston in his admirable address of two years ago called "idealism in law teaching." This is a grave charge to lay at the door of any profession, if true, but my observation leads to the conclusion that it is not true. The fact is that competent teachers of law are born, not made exclusively by training or environment. Of the thousands who prove themselves competent students or practitioners of the law only a few can be depended upon to become successful teachers of law. Every law school administrator recognizes that success at the Bar is no guaranty of success in the professor's chair, not because the incumbent has been in practice, but because he does not possess the gift. This, then, does not mean that success in the practice of law is inconsistent with successful law teaching. There are no data on which to base the conclusion that any lawyer who once possessed the gift of teaching law has lost or impaired it by engaging or continuing in practice. I have known personally too many examples of law teachers whose capacity for idealism in law teaching had been stimulated and expanded, on the one hand, as well as tempered and controlled on the other, by experience in practice, to concur in any such view.

To insist as a general rule that the law teachers must qualify by a reasonable period of experience in practice seems not an unreasonable requirement, although it will undoubtedly add to the burdens and perplexities of the law school administrator. He should, however, encourage the junior members of his teaching staff, having demonstrated capacity for law teaching, to continue in practice for a period sufficient at least to give them the practising lawyer's point of view and to enable them to acquire a first-hand knowledge of those practical considerations which influence or control the application of legal theories. Ultimately the teachers in the law school, or most of them, should give their whole time to the work of law teaching and to promoting the interests of the law school as an educational institution. This would be the ideal condition. But, personally, rather than

forego the benefit to legal education of instruction by teachers experienced in practice, I would gladly retain in a law faculty a number of practising lawyers, provided, of course, they possessed the gift of teaching law from the theoretical point of view and devoted themselves unreservedly to the interests of the school. A faculty so constituted would, to my mind, be far preferable to one composed exclusively, or largely, of teachers without actual experience in practice, and would insure the full performance, by the school so equipped, of its functions as a vocational school and as an educational institution in a larger and broader sense.

It is perhaps a corollary of the principle that the law school should approach its subject from the scholarly and scientific side, that it should not become localized either in spirit or in the application of its teaching. It cannot be scholarly or scientific if it teaches the law with reference only to its peculiar development in the local jurisdiction and consequently without that breadth of view and that searching inquiry which should characterize all sound professional training.

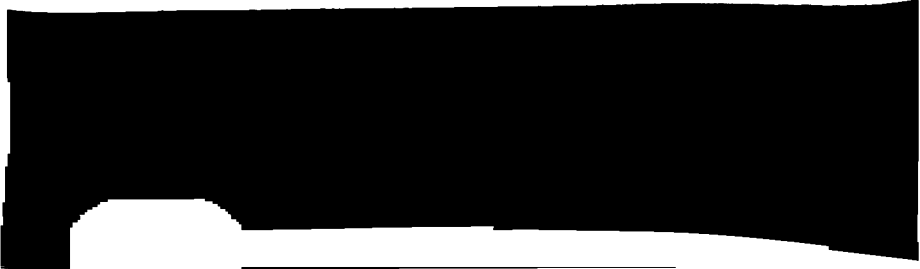
I do not desire to reopen the discussion as to the advantages and disadvantages of the purely localized law school, which has occupied the attention of this Association at previous meetings, or to restate the arguments which convince me that the exposition of local law should be only incidental (although an important incident) to the larger scheme of tracing the development of legal principles from their English sources and their examination in the light of precedents which are illuminating, whatever their jurisdiction.

Whatever view may be taken of this subject we cannot ignore the situation which actually exists. The law schools of the country have increased in such number that there is now probably not a state in the union without one or more law schools within its bounds. A great number of them, probably the majority, must therefore necessarily be local in influence and consequently largely controlled by local influences. The demands of expediency, the unseen and unfelt influences of environment, must make their impression unless those in control of the policy

of these schools take a broad view of their function as educational institutions.

Even those who argue for the localized law school would, I presume, agree that it would be a calamity if the law schools in each of our states were devoting themselves to teaching the law as it exists in its own particular jurisdiction without reference to the development of the law in other jurisdictions. Such a condition would be one of educational anarchy, disastrous alike to sound professional education and to the future development of the law in the United States. There is, of course, no likelihood that we shall reach such a condition of affairs in legal education, but that there should be a tendency in that direction seems inevitable when one takes into account the number, location and organization of our law schools. It is important, therefore, for those interested in law teaching that they should be on their guard against those influences which would tend to provincialize legal education. To those teachers in large and established schools drawing their students from all sections of the country this word of warning is perhaps unnecessary, but, as I have already shown, these constitute but a small minority of the law schools of the United States. The great majority are of comparatively recent origin and have yet to demonstrate that they deserve success in its broadest sense as educational institutions. They will merit success, and in the end will achieve and retain it, only by keeping steadfastly in view the true function of the law school as an educational institution for providing the theoretical training for a learned profession, a training which, however exacting and intensive it may be, must never be narrow and must never leave out of account the development of the law as a whole.

Emphasis of the proper and important functions of the law school necessarily by contrast emphasizes those functions of legal training of lesser importance, or which possibly do not belong to the law school at all. Recognizing that the law school has supplanted the law office as an instrumentality for legal instruction because of its superiority in certain directions, we must also recognize that in certain other directions the law office and the




court room are superior agencies for legal training. If, therefore, we attempt to do what the office can do better than the law school at the expense of the training which the law school can do better than the office, there is always danger of economic loss, not to say of wasted opportunities. Some of the law schools of the country are now trying the experiment of conducting a "legal aid dispensary" in which students, as a part of their regular required work, are assigned to act as attorneys for worthy persons unable to pay the fees usually charged by attorneys. In others, a substantial part of the required work of students is the conduct of moot courts under the guidance of members of the faculty. It may be questioned whether these experiments, judged from the viewpoint of the proper function of the law school, will prove to be profitable. Three years, the usual period of law school study, if used to the best possible advantage, is none too long for the acquisition of a working knowledge of the principles of the law. No branch of study, if carried on thoroughly and scientifically, is more exacting or more absorbing. The common experience is that the student's entire working time during the three years of the law course is completely occupied in the study of the principles of the law. When he leaves the law school, his opportunity for this kind of study and training under the guidance of competent instructors is ended, but his opportunity to conduct a "legal aid dispensary" begins and will continue during his entire professional career. Whether he avails himself of that particular kind of opportunity or not, his facilities for becoming familiar with the details of office and court practice are better than anything that the law school can possibly provide and they will be available as long as he continues to practise his profession. How, then, can there be any question but that the "legal aid dispensary" and the moot court, when they displace any substantial part of the curriculum, dealing scientifically with legal principles or with legal theories, cost more than they are worth?

The wise law school administrator will advise his students to secure their office and court experience in vacation time and after the completion of the law course, and will encourage his

students to organize and conduct their own moot courts with the assistance of members of the faculty and practising members of the Bar, whose assistance is usually gladly given. Thus organized, the legal aid dispensary feature of the curriculum is subordinated, as it should be, to the main business of the law school, which is: sound, theoretical training by competent instructors of practical experience.

Although law has been taught and studied more assiduously here than in any other country, this country has been singularly unproductive of a meritorious legal literature. A few treatises which have become standard were written early in the last century. A series of monographs of importance, written by university law professors, have appeared in law school publications and legal periodicals, and a few excellent treatises on special subjects, also by university professors, have appeared of late, but by far the greater number of law books now appearing are little more than digests of decided cases. It is believed that the unsatisfactory character of these publications is due to two causes. The great demand for the scientifically trained law graduates for professional work and their very rapid success have drawn the more proficient into practice and away from productive literary effort. In the second place, the law school itself has done very little to encourage the production of a higher type of legal literature.

Although the training of students for professional work must always be the chief function of the law school, the law school in the university should provide a broader education than is absolutely necessary to meet professional requirements, and it should train at least a few legal scholars and writers. It would undoubtedly be unwise to encourage any considerable number of students intending to practise law to prolong their legal studies beyond the generally adopted three-year period. On the other hand, the more limited number of students who may be interested in legal research, or desire to carry on special work which may result in the production of a worthier legal literature, should be afforded opportunity so to do by the university law school. The award of an advanced or higher degree by several law



schools in the country indicates a tendency to recognize this function of the law school. In laying out any such program of study it is important that it should follow and not parallel the professional law courses. This is essential not only to secure the proper preliminary training for the advanced student, but that the professional course as such should not be impaired by carrying on in conjunction with it courses devised for other purposes, and leading to a different and possibly more high-sounding degree. Moreover, such a course should be something more than a continuation of the professional law course during a fourth year or longer period. The law student, having attended lectures and acquired the training of the professional law school for three years, is presumably qualified to conduct an investigation in a legal subject outside the class-room. The amount of formal class-room work should, therefore, be reduced during the fourth year and the student should be required to carry on an investigation along special lines under the guidance of the professor. He should be encouraged to productive effort by the requirement of a thesis or dissertation, which might even be prepared at the close of the fourth or during the following year of his course. These suggestions are intended to indicate in a general way only the lines along which such an advanced course in law should be developed if the experiment is to be justified by its results in productive scholarship.

Another function of the university law school is suggested by the very disturbing increase in the number of cases of unprofessional conduct by members of the Bar. Without at this time attempting to analyze the statistics relating to this unpleasant subject, it may be said that the very large and increasing number of such cases is a subject of serious concern to the Bench and Bar of the country, and may well invite the attention of those whose duty it is to guide the young lawyer at the very outset of his career. Nor can we, as law school instructors, wholly disclaim responsibility. Every law school, unfortunately, has its graduates among those found, or deserving to be found, unworthy members of the profession. Doubtless this condition is due to complex causes, but I am convinced that among them will be found the

fact that the great majority of the profession go directly to the Bar from the law school, and the law school has signally failed to transmit to its students as a class the professional ideals and traditions which were formerly acquired by the law clerk as a matter of course during his apprenticeship. The greater number of cases of professional misconduct, excepting, of course, those of the grosser or criminal type, are the direct result of ignorance or an imperfect notion of the nature and extent of the obligations of the lawyer. So long as the law student is permitted to go directly to the Bar on graduation from the law school, it is clearly incumbent on the law school to see to it that he goes with some definite knowledge of the nature of his obligations as a lawyer, and it ought to do what may be done to give him definite professional ideals. Fidelity to professional ideals cannot, of course, be inculcated by instruction. The problem is, therefore, in the main, not so much one of intellectual training as it is of judicious stimulation of the student's interest in professional ideals and traditions. The best method of bringing this about will, of course, depend upon local conditions. Whatever stimulates independent thought and discussion in the student community should be relied upon to stimulate thought and discussion upon this subject. Formal lectures or instruction in legal ethics are of doubtful efficacy. Occasional informal addresses by members of the Bar or members of the faculty having a bearing on professional conduct will be found to be helpful, but my own belief is that, in addition to other efforts in this direction, every law school should require its graduating class to attend at least three or four lectures or informal talks to be given by members of its faculty, in which they should be informed in some detail as to the nature of the lawyer's obligations to the court and to his fellow members of the Bar as well as to his client, and in which there should be pointed out to the young lawyer those practices more or less prevalent at the Bar which he would do well to avoid.

Whatever the method adopted, the important point is that the subject is one on which the law schools of the country ought to bestow more consideration than they are bestowing at present.

Like many other problems this particular one may be expected to solve itself when once it becomes the subject of discussion, but I am firmly convinced that the law schools of the country, by giving to this subject the attention which it reasonably deserves, can do more to elevate the tone of the Bar than can be accomplished by the courts and the combined efforts of the Bar associations, city, county, state and national.

To teach law as a science rather than as an instrumentality of a money-making trade; to teach it from its theoretical side by teachers experienced in practice; to encourage legal research and the production of legal literature; and, finally, to stimulate in the student knowledge of, and respect for, the professional obligations of the lawyer, are at once the high privilege and duty of the law schools of this country. The rapid increase in the number of law schools and the ever-present demand for some royal road to legal learning, provided always it be speedy and easily travelled, make it difficult and perhaps impossible for all to attain to these requirements. Indeed, perhaps the most serious hindrance to the progress of legal education in the past decade has been the rapid increase in the number of law schools, resulting in the assumption by new and weak institutions of educational burdens and responsibilities which could have been better carried by the old and strong. Economically the doing by two institutions of what could be better done by one is wasteful and inevitably results for a period, whatever the final outcome, in a lowering of standards and a loss of efficiency. There is no pressing demand for an increase in the number of lawyers or for stimulating unduly the activity in pressing for admission to our law schools. Rather than an increase in number of law schools the country has been, and still is, in need of higher standards of legal education, and some effective action by our law schools to dissuade the unfit, both morally and intellectually, from entering the profession at all. It is, of course, difficult to bring this about with a multitude of new law schools striving for students and stimulating the desire to enter an already crowded profession. As members of that profession and as teachers on whom rests a large responsibility toward our profession, we should unite in the

effort to bring the law schools of the country more into harmony with university ideals and standards of scholarship, to the end that the system of legal education which is in the process of establishment in this country may be in all respects worthy of the regard and respect alike of lay educators and the members of the Bar who have at heart the dignity and true worth of their profession.

THE TEACHING OF JURISPRUDENCE IN JAPAN.

BY

VISCOUNT UCHIDA,

JAPANESE AMBASSADOR TO THE UNITED STATES.

It was little more than a year ago that Prof. Vance first came to Washington to invite me to address your Association on the subject of Legal Education in Japan. The invitation gave me pleasure, for I have always felt that a part of that mutual understanding which it is so desirable should subsist between nations must necessarily be a knowledge of each other's legal institutions. Yet I could not but feel a certain lack of qualification to speak on the subject before an audience so learned and distinguished as this was certain to be, because it had been twenty-four years since I was graduated, as a student of Political Science and Public Law, from the Imperial University of Tokio—and twenty-four years is long enough to give one a suspicion that he might be slightly alienated from his subject.

I suggested to Prof. Vance that I be allowed time to prepare myself with information as to the later advances of legal education in my country—a suggestion to which he kindly acceded. For that information I then repaired to my earliest preceptor in law, today the most eminent jurist in Japan—Dr. Nobushige Hozumi. Thanks to his ever kindly interest in his old pupils, Dr. Hozumi readily responded to my appeal. It is with less diffidence, therefore, that I am able today to appear before you for an address the materials for which I owe in the main to the authority of this learned scholar of Japan.

I. LEGAL EDUCATION IN EARLY TIMES.

Let us begin by broadly blocking out the periods into which the evolution of law in Japan divides itself. There would be, naturally, three: First, from the foundation of the empire to the introduction of Chinese civilization; second, from that

moment to the introduction of Western civilization; and third, from that moment to the present.

The first period was, and may be called, the period of unwritten law. During this stage, the people were governed by clan-customs and oral traditions. In a society so governed there could, of course, be no systematic study or education in law. In some societies, indeed, the germ of legal education is found in the practice of memorizing the words of old men and handing down the traditional account of customs. But in Japan remains no trace of this, though the practice of reciting memorized historical stories can be traced. Only with the introduction of Chinese culture, therefore, can the history of legal education be said to begin.

In the great social reformation of the Taikwa era, in the years 645-649 of the Christian era, laws were framed and institutions were founded modelled largely on those of the T'ang dynasty of China. It is interesting to note that as early as the year 671 A. D., a code of laws (it was called Omi-ryo) was framed, though not published. Eighteen years later was promulgated the code compiled by the Emperor Temmu in 22 books of laws called Ryo. Finally the celebrated Taiho code was promulgated, in the year 702 A. D. The Taiho code consisted of 17 books, 11 of which called the Ryo included all statutes of public and civil character, while in the remaining 6 called the Ritsu was contained the criminal law. In the year 710 this code was amended and the Ryo and Ritsu were made to consist of 10 books each.

The publication of these and other codes during this epoch gave rise to the necessity of interpretation, and, to this end, to the education of interpreters—professional jurists. Here began actual legal education. Its first form was in the shape of an enlargement of the University Bureau, which formed part of the governmental Department of Ceremony. This Bureau, which already had sections of Philosophy, History and Mathematics, now added a section of Jurisprudence. Its preceptors were two Masters, or Doctors, of Law (Myoho-Hakase or Ritsugaku-Hakase), whose official duties were to interpret the codes


and give opinions on legal matters, as well as to instruct and examine law students, the object of the instruction and examination being to train up official interpreters of the law.

This office of legal interpreter gradually tended like other offices to take on an hereditary character, and by the year 1100 A. D., it had become a perquisite of the families Nakahara and Sakanouye, so continuing for several hundred years. Under such conditions, real instruction in jurisprudence died out, the more so because now the land was torn by frequent civil wars, following the establishment of the feudal system under the military government of the Shogun.

At the end of the sixteenth century the Tokugawa family raised the Shogunate to unexampled power and brought the country to order, in which it continued for nearly 300 years—a time productive in new legislation and codification. One of the most noteworthy was the famous criminal code known as Hyakka-jo or “The Hundred Articles.” Yet it cannot be said that legal education revived during this period. It was the policy of the Tokugawa government to keep most of the laws, especially the criminal statutes, in strict secrecy. They existed only in rare manuscripts, were allowed neither to be printed nor published, and none but judges and officials were allowed to read them or the records of precedents built upon them. The criminal code carries at its end the following injunction:

“The above rules have been established with His Highness’ gracious sanction, and nobody except the magistrates shall be allowed to peruse them.”

The Chinese did not entertain the idea that publication was essential to the validity of law. There is a famous Chinese maxim: “Let people abide by the law, but not be apprised of it,” or, as some understand it: “People can be made to obey, but cannot be made to know.” The Tokugawa Shoguns adopted the doctrine, so that they might rule the people in a state of ignorance. It is hardly necessary to say that legal education would not flourish under such conditions.



II. LEGAL EDUCATION SINCE THE RESTORATION.

We come now to the gigantic changes wrought by the influx of thought from the Western world. It would be a waste of time even to outline, before such an audience as this, the far-reaching social transformation which Japan began to undergo half a century since. It is enough to say that the abolition of the feudal system, the Restoration of the Imperial Government and the grafting of the Western culture upon Japan's ancient institutions could not wait upon the raising up in Japan of a class of educated legal minds. The drafts of the new laws immediately made necessary by rapidly changing conditions were made chiefly by French and German jurists. The changes were so sudden and complete that legislation of the most sweeping character was necessary to keep pace with them. Wholesale advantage was therefore taken of the codes of other nations. And yet, from the very beginning, a new education in law went hand in hand with the adoption of new laws.

A chief part in this new education was taken by what is now the Imperial University of Tokio, and at this point I may as well take a few moments in which to sketch the origin of this institution. During the Tokugawa period, the country, as every one knows, was closed—the only intercourse with the rest of the world being through the few Dutch who were permitted to live on the little isolated island of Deshima in the harbor of Nagasaki. Inquiries made early in the seventeenth century by Arai Hakuseki concerning Holland and Rome gave rise to the introduction of some fragments of Western learning—medicine and astronomy especially. In 1744 an observatory was set up. In 1811 a Translation Bureau was established in connection with the observatory. In 1856 this Bureau was given an independent existence under the style "The Institute for the Study of Foreign Books," and it was now directed to translate Dutch books and to teach the Dutch language. Later, work was done in English, French, German and Russian. This may be said to have been the germ from which sprang the Imperial University. The Institute was closed for a time in 1868, during the civil war which attended the Restoration. After that event, the Univer-

sity (the Daigaku) was established, and the Institute for the Study of Foreign Books reopened, as the South College (Daigaku-Nanko), being now devoted to the study of the English, French and German languages.


Upon the founding of the University, a program of instruction was determined, and it included a course in law. But it was not till 1874 that instruction in law was actually begun, the previous five years having been devoted to preparatory instruction. The teaching of law was carried on in English, and the first teachers were Americans—though there were also Japanese teachers who imparted instruction in the old Japanese and Chinese law. It is of interest to note in passing that Marquis Komura, the present Foreign Minister, was one of the nine students who first received instruction in English law in the new university.

At the close of the first year of instruction, three students were selected from the first class to be sent to the United States to continue and complete their studies. They were Komura and Kikuchi (now an advocate and a member of the House of Peers), who studied in the Harvard Law School, and Hatoyama (now an advocate and a member of the House of Representatives), who studied at Columbia College.

The following year three students were sent to England: Okamura, Sagisaka and Hozumi—whom I mentioned in beginning this address. These three entered the Inns of Court and studied at the Middle Temple. After being called to the English Bar, Sagisaka was sent to Belgium, and Hozumi to Germany, to pursue still further legal studies in those countries.

In every year since, a certain number of law students, on graduating from the home university, have been sent to America or Europe to carry on these studies, and most of these men on returning home became members of the teaching staff in the Law Faculty either of the Imperial University or some other school.

Let it be recalled that the legal course in the Imperial University was in English law. Now, side by side with this, there grew up a school of French law, conducted as a section of the



Department of Justice. It was opened in 1874—the year in which, as we have seen, the English law school of the University opened. Instruction was under the direction of Professor Boissonade and another French jurist; and in 1875, the year when the university began sending law students to America, the Department of Justice school began sending students to France. The existence of these two schools of law—one English and the other French—had, we shall see, an important effect on the future legal history of Japan.

In 1885, the French law school was incorporated with the university. In 1887 a German law section was established.

Thus there was built up in the university a law department, consisting of three sections, each devoted to the law of a Western nation, besides a fourth section—that of political science—which had been transferred from the Literary Department in 1885. To these were recently added a fifth and a sixth section, namely, of economics and commerce. By Imperial ordinance in 1886 the course of law was fixed at three years; in 1892 it was extended to four years.

The year 1897 saw the founding of another Imperial University, at Kyoto, by Imperial ordinance of June 18; instruction in law was begun here in 1899. The Kyoto University College of Law is divided into the two sections of law and politics, the law section being subdivided into three branches of English, French and German law—as at Tokio. There are no foreign professors in the Imperial University at Kyoto, but most of the faculty are graduates of the Imperial University of Tokio who have studied abroad.

Besides the two Imperial universities, there are in Japan eight law schools of private establishment. You may be interested to hear their names: Hosei Daigaku, founded in 1879; Meiji Daigaku, founded in 1881; Waseda Daigaku, founded in 1882; Chiyo Daigaku, founded in 1883; Kwansei Daigaku (Osaka), founded in 1886; Keio Daigaku, founded in 1897; Nippon Daigaku, founded in 1897; Kyoto Hosei Daigaku, founded in 1900.

III. ADMISSION TO LAW SCHOOLS.

You will want to know something of the courses of study pursued in Japanese schools of law, but, first, I should speak of the qualifications for admission.

The admission requirements insisted on by the Imperial University are higher than those of the law schools of private establishment. For admission to the University law school candidates must have passed through the six years' course of the Primary School, the five years' course of the Middle School and the preparatory course of three years in the High School. But for admission to the private law schools it is necessary only to have graduated from the Middle School or to have completed a year and a half more of preparatory study. So that there is a difference, in some cases of a year and a half, in other cases of three years, in the qualifications of the Imperial University matriculants and others. Besides, the candidates for admission to the Law College of the Imperial Universities must have passed examinations in two European languages; in some private law schools this is not required.

Nevertheless, the desire of Japanese students to enter the Imperial Universities is so great that applicants for admission to the preparatory course of the high schools—of which there are at present eight—annually exceed the capacity of those schools by many hundreds; only one-third of the applicants win admission through competitive examination. Last year the candidates for admission to the Law College of Tokio Imperial University numbered 590, and it was necessary to reject the 90 who showed on examination comparative deficiency in any one of the three languages, English, French or German. The popularity of the Imperial University among young men may be explained when we come to speak of the careers of that school's graduates. Last year the undergraduate law students of the Tokio Imperial University at the end of the academic year numbered 2128, besides 432 taking post-graduate courses.

IV. COURSES OF INSTRUCTION.

Courses of instruction differ somewhat in the different schools, but I will take that of the Imperial University of Tokio. Here subjects for lectures and examinations fall into the two classes, compulsory and elective.

Compulsory subjects are: The Constitution; The Civil Code; The Commercial Code; The Code of Civil Procedure; The Criminal Code; The Code of Criminal Procedure; Administrative Law; Public International Law; Private International Law; The History of Legal Institutions; Jurisprudence; Roman Law; English, French or German Law; Political Economy.

Elective subjects are: The Comparative History of Legal Institutions; The Law of Bankruptcy; The Science of Public Law; Maritime Law.

The course extends over four years; in the law schools of private establishment the course covers only three years. At the end of each year the student is examined in writing on the work of the year; after having passed four such examinations, he is required to present himself for a graduation examination, in which he catechised orally on all subjects studied during the four years' course.

V. GRADUATES: PRIVILEGES AND CAREERS.

It is now more than thirty-six years since the special course of law was founded in the Imperial University, and the number of graduates now exceeds 3000.

A graduate of the Imperial University College of Law receives the title, "Hogakushi," corresponding to "Bachelor of Law." A post-graduate course leads to the degree of "Hogaku-hakushi," or "Doctor of Law." Graduates of the Imperial Universities' law colleges are accorded certain privileges and advantages, among which are these:

(1) They may be appointed "Hannin" or "Lower Officials," without civil service examination.

(2) They may become candidates for civil service examination for the rank of "Higher Official," without first passing the preliminary examinations required of other candidates.

(3) They may be appointed assessors or candidate-judges without examination.

(4) They may become advocates and practise at the bar without taking the bar examinations.

Enjoying such advantages as these, and having received the highest type of instruction in the highest seat of learning in the land, the graduates of the Imperial University naturally form a most influential class. Many of their number have already been called to most important positions. Here is a list, made at the end of the last academic year, showing the occupations of these graduates so far as is known:

Judges and prosecutors.....	544
Administrative officials	721
Members of Imperial Household.....	3
Professors and teachers.....	68
Members of the Imperial Diet.....	22
Advocates	194
Bankers and members of commercial corporations	453
In the service of foreign governments.....	33
In business	264
In post-graduate course.....	432
Studying abroad	9
Studying in another college.....	1
Dead	178
Unknown	475

To give an idea of the positions which these graduates are filling, I may mention such facts as that two became cabinet ministers; that the present vice-ministers of the Departments of the Imperial Household, Foreign Affairs, Home Affairs, the Treasury, Justice and Education, all are graduates; that the majority of the members of Japan's diplomatic service are graduates, among them four ambassadors and four ministers; and that nearly half of the governors of provinces are graduates of the Law College of the Imperial University.

VI. LEGAL EDUCATION AND LEGISLATION.

And now to take a glance at some of the wider influences of legal education in Japan. In every land legal education and legislation stand in mutual relations of cause and effect. Educa-

tion in the principles of law naturally influences legislation, yet it often happens that the system of legal education is based on and follows the footsteps of the country's legislation. Especially will the latter be the case when a sudden and sweeping social and political revolution has to crystalize itself in a new body of law—the law will, as it were, spring into being, and education in it will for a while be less the search for creative juridical principles than the study of how to interpret and apply aright the principles which have been suddenly embraced. In the first years following such a revolution, legal education will cease to instruct the law makers what they should do, and will apply itself to learn what the law makers have done.

This is exemplified in the legal history of Japan. The promulgation of the old Taiho code of 702 A. D., was the result of such a social and political revolution, following the introduction of Chinese culture into Japan. That code was framed upon Chinese law; it was not the product of native legal education; indeed, it was the necessity of interpreting and applying the new code that brought about the beginning of legal education—in the University Bureau of the Department of Ceremony.

With even greater force does the above remark apply to the development of legal education in Japan following the opening of the country to the Western culture. The new body of legislation that suddenly appeared upon the Restoration of the Imperial Government was not the creation of, but became the subject of study of, Japanese jurists. However, so rapidly did legal education progress—and, I may say, so broad was the outlook of the pioneers of the new jurisprudence, so zealous was their search throughout the world for just principle and sound practices—that it was not long before a new school of native jurists realized their own competency to make laws for their country. The Criminal Code and the Code of Criminal Procedure of 1880, framed by Professor Boissonade, has been entirely revised by Japanese jurists. Professor Boissonade's Civil Code of 1890, and the Commercial Code of 1890 by Professor von Roesler, a German jurist, were completely revised before they went into operation.

In the work of these revisions, our jurists gathered and collated materials from all countries of the civilized world. The framers of the Civil Code of 1896 and 1898, for instance, collected more than 30 of the world's civil codes, besides great masses of statutes, reports and treatises, out of which they selected the principles, and rules of practice and procedure which they deemed best adapted to the peculiar requirements of Japan. In some parts, for instance, rules were adapted from the French Civil Code; in others the principles of the English Common Law were followed: in others again such laws as the Swiss Code of Obligation of 1881; the new Spanish Civil Code of 1889; the Property Code of Montenegro: the principles of the Indian Succession and Contract Acts, of the Civil Codes of Louisiana, Lower Canada or the South American Republics, the draft Civil Code of New York were consulted, the first and second drafts of the new German Civil Code furnishing especially valuable material. The revision of the Commercial Code of 1899, the Code of Criminal Procedure of 1890, the new Criminal Code of 1907, proceeded on the same method, so that the new Japanese codes may be said to be fruits of comparative jurisprudence.

Now, such being the character of Japanese law, it is clear that its study and teaching must proceed on the comparative method. This method of framing the codes has a determining influence on the method of legal education in Japan. So, although Japanese law is now made the basis of instruction, the tripartite division into English, French and German sections is still maintained, and in each section English, French and German law is taught in addition to Japanese law. According to my information, the English section in the Imperial University of Tokio is taught by Prof. Terry, formerly of the faculty of Yale; the French section by Prof. Bridel, professor in the University of Geneva, and the German section by Dr. Loenholt, a German judge.

VII. THE "POSTPONEMENT CAMPAIGN."

I can hardly close this address without tracing a little further the mutual relations of legislation and legal education in Japan,

PROCEEDINGS
OF THE
TWENTY-FIRST ANNUAL CONFERENCE
OF
Commissioners on Uniform State Laws
HELD AT
BOSTON, MASSACHUSETTS
August 23, 24, 25, 26 and 28, 1911

OFFICERS OF THE CONFERENCE
1911-1912.

WALTER GEORGE SMITH, *President*,
1006 Land Title Building, Philadelphia, Pennsylvania.

A. T. STOVALL, *Vice-President*,
Okolona, Mississippi.

CHARLES THADDEUS TERRY, *Secretary*,
100 Broadway, New York, New York.

TALCOTT H. RUSSELL, *Treasurer*,
42 Church Street, New Haven, Connecticut.

M. GRUNTHAL, *Assistant Secretary*,
100 Broadway, New York, New York.

MEMORANDUM.

The National Conference of Commissioners on Uniform State Laws is made up of Commissioners appointed by the Governors of the different states, meeting in conference and organizing themselves into a national body for the better accomplishment of the work for which its members were appointed by the states. The Commissioners, usually three from each state, are appointed under laws of the respective states creating them, usually for

five years, with authority to confer with the Commissioners of the other states and recommend forms of bills or measures to bring about uniformity of laws in the execution and proofs of deeds and wills, in the laws of bills and notes, marriage and divorce and other subjects where such uniformity seems practicable and desirable. The officers of the National Conference consist of a President, Vice-President, Secretary and Treasurer, elected annually. Twenty-one conferences have so far been held; the first at Saratoga, for three days, beginning August 24, 1892, and the twenty-first at Boston, Massachusetts, August 23, 24, 25, 26 and 28, 1911.

A complete list of the Commissioners of the several states with standing committees will be found in the following pages.

The time of the Twenty-first Conference was largely taken up in the consideration of the draft of an Act to make Uniform the Law of the Incorporation of Business Corporations, an Act relating to Marriage and Marriage Licenses, the draft of a Workmen's Compensation Act, draft of a Uniform Child Labor Law, discussion of an Act on Partnership, and the draft of an Act relative to the Probate of Foreign Wills.

The draft of the proposed Child Labor Legislation Act was finally approved by the Conference and recommended for adoption to the various states.

The Act relating to Marriage and Marriage Licenses was finally approved by the Conference.

The Committee on Insurance was authorized to consider and make a report at the next Conference on the question of a uniform act on the subject of insurance companies and the rules under which they should be conducted.

The Conference recommended for adoption by the various states the Federal Food and Drug Act of 1906.

The Committee on Marriage and Divorce was directed to have printed the Act relating to Marriage and Marriage Licenses, as approved by the Conference with annotations, and to circulate it prior to November 1st of this year.

The Workmen's Compensation Act was recommitted to the committee for further consideration and report next year.

The Committee on Commercial Law was directed to report their recommendations in reference to the draft of an Act to Make Uniform the Law on Partnership at some future meeting of the Conference.

The Committee on Commercial Law was authorized to take up the subject of business associations; other than common law partnerships and corporations, with a view to preparing a statute on that subject after the Conference has disposed of the Partnership Act, and the committee was empowered to authorize Dr. William Draper Lewis, on behalf of the Drafting Association, to undertake preliminary investigations in reference thereto, without expense to the Conference.


The Commissioners of states where the Torrens Law is now in force were requested to present to the Committee on the Torrens System and Registration of Land Titles before January 1, 1912, a statement respecting the working of the law in their states.

The Committee on a Uniform Incorporation Law was authorized to prepare and print a third tentative draft of an Incorporation Act, and a digest and analysis of the incorporation laws of the various states and distribute the same prior to the next Conference, and present such tentative draft for action at the next meeting.

The Committee on Wills, Descent and Distribution was instructed to prepare an annotated draft of an Act relative to the Probate of Foreign Wills and to submit same at the next Conference; the committee was authorized to expend not exceeding \$100 for the preparation of a digest of the laws of the several states regarding the effect of the probate of foreign wills and subjects kindred thereto, and of judicial decisions interpreting such statutes, so far as may be necessary to a correct understanding thereof; such information when obtained to be printed with a tentative draft of the Act and distributed to Commissioners and others interested in the subject.

Secretary's Notice.

In accordance with the Constitution and By-laws adopted by this Conference, the Commissioners will please advise the Sec-



retary of the date of their appointment, specifying the law or authority under which the appointment was made and the duration of their term of office; also of any changes in the personnel of the respective state commissions.

The Conference earnestly urges upon the legislatures of the several states, as well as upon their Commissioners, the importance of introducing at the next session all of the bills recommended which have not passed, and the Secretary would ask members to communicate with him whenever such bills are introduced.

In case the list of Commissioners as printed in this report is not correct, or any changes are made subsequently, the Secretary should be notified at once.

Extra copies of this report and such previous reports as are extant may be obtained on application to the President or the Secretary.

**LIST OF
COMMISSIONERS ON UNIFORM STATE LAWS.**

1911.

- ALABAMA.**—Frederick G. Bromberg, 72 St. Francis St., Mobile; Henry Tonsmeire, Mobile; S. D. Weakley, Birmingham.
- ARIZONA.**—Edward Kent, Phoenix; E. E. Ellinwood, Bisbee; J. M. Ross, Prescott.
- ARKANSAS.**—John M. Moore, Moore & Turner Building, Little Rock; Ashley Cockrill, Southern Trust Bldg., Little Rock.
- CALIFORNIA.**—John F. Davis, 1430 Masonic Ave., San Francisco; Charles Monroe, California Club, Los Angeles; Lynn Helm, Los Angeles Trust Building, Los Angeles; Gurney E. Newlin, 431 S. Hill St., Los Angeles; Walter R. Leeds, Los Angeles; Oscar A. Trippet, Los Angeles.
- COLORADO.**—Henry C. Hall, Colorado Springs; John W. Davidson, Pueblo; Harry Eugene Kelly, Denver.
- CONNECTICUT.**—Talcott H. Russell, New Haven; Walter E. Coe (165 Broadway, N. Y.), Stamford; Erllas P. Arvine, 42 Church St., New Haven.
- DELAWARE.**—Philip Q. Churchman, Wilmington; James M. Satterfield, Dover; Charles M. Cullen, Georgetown.
- DISTRICT OF COLUMBIA.**—F. L. Siddons, Bond Building, Washington; Aldis B. Browne, 1329 E St., N. W., Washington; Walter C. Clephane, Fendall Building, Washington.
- FLORIDA.**—Louis C. Massey, Orlando; F. M. Simonton, Tampa; W. A. Blount, Pensacola.
- GEORGIA.**—Peter W. Meldrim, Savannah; A. C. Pate, Hawkinsville; Reuben R. Arnold, Atlanta.
- HAWAII.**—David L. Withington, Honolulu; Carl S. Smith, Hilo; Charles F. Clemons, Honolulu.
- IDAHO.**—James E. Babb, Lewiston National Bank Building, Lewiston; Fremont Wood, Boise; W. W. Woods, Wallace.
- ILLINOIS.**—John C. Richberg, 1303 Rector Building, Chicago; Nathan William MacChesney, 30 N. La Salle St., Chicago; John H. Wigmore, Northwestern Law School, Chicago; Oliver A. Harker, University of Illinois, Champaign; Ernst Freund, University of Chicago, Chicago.
- INDIANA.**—Andrew A. Adams, Columbia City; E. B. Sellers, Monticello; S. O. Pickens, Indianapolis; James W. Noel, Indianapolis; Merrill Moores, Indianapolis.

IOWA.—Thomas A. Cheshire, Des Moines; Emlin McClain, Iowa City; J. B. Sullivan, Des Moines; H. O. Weaver, Wapello.

KANSAS.—A. A. Godard, Topeka; Charles W. Smith, Stockton; S. N. Hawkes, Stockton; S. H. Allen, Topeka; Fred S. Jackson, Eureka.

KENTUCKY.—John F. Hager, Ashland; John T. Shelby, Lexington; James R. Duffin, Louisville.

LOUISIANA.—W. O. Hart, 134 Carondelet St., New Orleans; J. R. Thornton, Alexandria; I. D. Wall, Baton Rouge.

MAINE.—Frank M. Higgins, Limerick; Hannibal E. Hamlin, Ellsworth.

MARYLAND.—George Whitelock, Baltimore; Jacob Rohrback, Frederick; Lewin W. Wickes, Chestertown.

MASSACHUSETTS.—Samuel Ross, New Bedford; Hollis R. Bailey, 19 Congress St., Boston; Samuel Williston, Cambridge.

MICHIGAN.—George W. Bates, 32 Buhl Building, Detroit; Cyrenius P. Black, Lansing; Dan H. Ball, Marquette.

MINNESOTA.—Rome G. Brown, Metropolitan Life Building, Minneapolis; C. A. Severance, St. Paul; Edward Lees, Winona.

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MISSOURI.—Seneca N. Taylor, St. Louis; John D. Lawson, Columbia; Edwin A. Krauthoff, Kansas City.

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NEW JERSEY.—Frank Bergen, Elizabeth; John R. Hardin, Prudential Building, Newark, John R. Emery, Morristown.

NEW MEXICO.—James M. Hervey, Roswell; James G. Fitch, Socorro; A. A. Freeman, Carlsbad (Victoria, B. C.).

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NORTH CAROLINA.—J. Crawford Biggs, Durham; Linsly Patterson, Winston-Salem; Charles A. Moore, Asheville.

NORTH DAKOTA.—H. R. Turner, Fargo; John E. Green, Minot; Andrew A. Bruce, College of Law, University North Dakota, Grand Forks.

OHIO.—Seth S. Wheeler, Lima; Harry B. Arnold, 8 East Long St., Columbus.

OKLAHOMA.—R. E. Jackson, Sallisaw; D. A. McDougal, Sapulpa; Clinton O. Bunn, Oklahoma City.

OREGON.—H. H. Emmons, 366 Washington St., Portland; W. H. Fowler, Board of Trade Building, Portland.

PENNSYLVANIA.—William H. Staake, 648 City Hall, Philadelphia; Walter George Smith, 1006 Land Title Building, Philadelphia; Robert Snodgrass, Harrisburg.

PHILIPPINE ISLANDS.—E. Finley Johnson, Associate Judge Supreme Court, Manila; Charles S. Lobingier, Judge Court of First Instance, District of Manila, Bagulo; W. L. Goldsborough (1403 E. 11th Ave., Denver, Colorado), 47 Calle Aduana, Manila.

PORTO RICO.—Manuel R. Serra, San Juan; Foster V. Brown, San Juan.

RHODE ISLAND.—Amasa M. Eaton, 86 Weybosset St., Providence; Clarence N. Woolley, Studley Building, Providence; Thomas A. Jenckes, Providence.

SOUTH CAROLINA.—T. Moultrie Mordecai, Charleston; John C. Shepard, Edgefield; John P. Thomas, Jr., Columbia.

SOUTH DAKOTA.—U. S. G. Cherry, Sioux Falls; A. W. Wilmarth, Huron; L. W. Crofoot, Aberdeen; J. H. Voorhees, Sioux Falls.

TENNESSEE.—Lem Banks, Memphis; W. H. Washington, Nashville; Henry H. Ingersoll, Knoxville.

TEXAS.—W. M. Crook, Beaumont; J. F. Maddox, Ballinger; Hiram Glass, Austin; A. F. Hardwicke, Abilene; Edgar Scurry, Wichita Falls.

UTAH.—Jerrold R. Letcher, U. S. Courts, Salt Lake; Benner X. Smith, Salt Lake; L. L. Baker, Tooele.

VERMONT.—Wallace Batchelder, Bethel; George B. Young, Newport; Charles D. Watson, St. Albans; Marvelle C. Webber, Rutland; John G. Sargent, Ludlow.

VIRGINIA.—Eugene C. Massie, Richmond; James R. Caton, Alexandria.

WASHINGTON.—Charles E. Shepard, New York Building, Seattle; Alfred Battle, Alaska Building, Seattle; W. B. Tanner, Olympia.

WEST VIRGINIA.—John W. Davis, Clarksburg; Hunter H. Moss, Jr., Parkersburg; Charles W. Dillon, Fayetteville; William W. Brannon, Weston; Edgar B. Stewart, Morgantown.

WISCONSIN.—Edward W. Frost, Wells Building, Milwaukee; E. Ray Stevens, Madison; Dr. Charles McCarthy, 409 North Henry St., Madison.

WYOMING.—Charles N. Potter, Cheyenne; W. E. Mullen, Cheyenne; Edward T. Clark, Cheyenne.

LIST OF
COMMISSIONERS ON UNIFORM STATE LAWS
PRESENT AT THE
TWENTY-FIRST ANNUAL CONFERENCE.

BOSTON, MASSACHUSETTS,

August 23, 24, 25, 26 and 28, 1911.

ARKANSAS.—John Fletcher.
CALIFORNIA.—Charles Monroe, Oscar A. Trippet, Lynn Helm.
CONNECTICUT.—Talcott H. Russell, Walter E. Coe, E. P. Arvine.
DISTRICT OF COLUMBIA.—Aldis B. Browne.
FLORIDA.—F. M. Simonton, W. A. Blount.
GEORGIA.—Peter W. Meldrim.
ILLINOIS.—John H. Wigmore, Ernst Freund, Nathan William Mac-
Chesney, John C. Richberg.
KANSAS.—Stephen H. Allen.
LOUISIANA.—J. R. Thornton, W. O. Hart, I. D. Wall.
MARYLAND.—George Whitelock.
MASSACHUSETTS.—Hollis R. Bailey.
MICHIGAN.—George W. Bates, D. H. Ball, C. P. Black.
MINNESOTA.—Edward Lees, C. A. Severance.
MISSISSIPPI.—A. T. Stovall.
MISSOURI.—John D. Lawson, Seneca N. Taylor.
NEBRASKA.—Ralph W. Breckenridge, Henry H. Wilson.
NEW HAMPSHIRE.—Ira A. Chase, Henry E. Burnham.
NEW JERSEY.—John R. Emery, Frank Bergen, John R. Hardin.
NEW YORK.—Charles Thaddeus Terry, Carlos C. Alden, Francis M.
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OHIO.—H. B. Arnold.
OKLAHOMA.—D. A. McDougal, Clinton O. Bunn, Robert E. Jackson.
PENNSYLVANIA.—William H. Staake, Walter George Smith, Robert
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RHODE ISLAND.—Amasa M. Eaton, Clarence N. Woolley, Thomas A.
Jenckes.
SOUTH CAROLINA.—T. Moultrie Mordecai.

SOUTH DAKOTA.—U. S. G. Cherry, John H. Voorhees.

TENNESSEE.—Henry H. Ingersoll.

TEXAS.—W. M. Crook, Edgar Scurry.

VERMONT.—Wallace Batchelder, Charles D. Watson, George B. Young,
Marvelle C. Webber, John G. Sargent.

VIRGINIA.—Eugene C. Massie, James R. Caton.

WASHINGTON.—Charles E. Shepard.

WISCONSIN.—Charles McCarthy.

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James B. Lichtenberger, Philadelphia, Pa.

Edmund F. Trabue, Louisville, Ky.

Thomas I. Parkinson, New York.

William Draper Lewis, Philadelphia, Pa.

Alex. Simpson, Jr., Philadelphia, Pa.

William U. Hensel, Lancaster, Pa.

William R. Fisher, Philadelphia, Pa.

Charles M. Clement, Pennsylvania.

Francis B. James, Cincinnati, Ohio.

William D. Crocker, Williamsport, Pa.

Middleton Beaman, New York.

Charles A. Boston, New York.

Gilbert Ray Hawes, New York.

Owen K. Lovejoy, Washington, D. C.

LIST OF COMMITTEES OF THE CONFERENCE
OF
COMMISSIONERS ON UNIFORM STATE LAWS.
1911-1912.

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John R. Hardin, New Jersey.
James R. Caton, Virginia.
C. P. Black, Michigan.
Nathan William MacChesney, Illinois.

Ex-officio.

Walter George Smith, Pennsylvania, *President*.
A. T. Stovall, Mississippi, *Vice-President*.
Talcott H. Russell, Connecticut, *Treasurer*.
Charles Thaddeus Terry, New York, *Secretary*.
Amasa M. Eaton, Rhode Island, *Ex-President*.

- 2. Commercial Law.**—Talcott H. Russell, Connecticut, Chairman;
W. O. Hart, Louisiana; Charles Thaddeus Terry, New York;
George Whitelock, Maryland; A. T. Stovall, Mississippi; Samuel
Williston, Massachusetts; T. Moultrie Mordecai, South Carolina.
- 3. Wills, Descent and Distribution.**—W. O. Hart, Louisiana, Chair-
man; W. A. Blount, Florida; Francis M. Burdick, New York;
Henry H. Ingersoll, Tennessee; H. H. Wilson, Nebraska; Walter
R. Leeds, California.
- 4. Marriage and Divorce.**—Edward W. Frost, Wisconsin, Chairman;
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John R. Emery, New Jersey; Ernst Freund, Illinois.

5. **Conveyances.**—Amasa M. Eaton, Rhode Island, Chairman; Thomas A. Jenckes, Rhode Island; Eugene C. Massie, Virginia; Lynn Helm, California; Wallace Batchelder, Vermont; Edward Lees, Minnesota; Clinton O. Bunn, Oklahoma.
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9. **Appointment of New Commissioners.**—Seneca N. Taylor, Missouri, Chairman; W. O. Hart, Louisiana; Edgar Scurry, Texas; D. A. McDougal, Oklahoma; Charles D. Watson, Vermont; Merrill Moores, Indiana; John F. Hager, Kentucky.
10. **Purity of Articles of Commerce.**—Walter E. Coe, Connecticut, Chairman; Walter C. Clephane, District of Columbia; Carlos C. Alden, New York; William W. Brannon, West Virginia; Charles McCarthy, Wisconsin; Geo. B. Young, Vermont; John P. Thomas, Jr., South Carolina.
11. **Uniform Incorporation Law.**—John C. Richberg, Illinois, Chairman; Charles Thaddeus Terry, New York; Erilas P. Arvine, Connecticut; John R. Emery, New Jersey; Charles E. Shepard, Washington; C. A. Severance, Minnesota; Seneca N. Taylor, Missouri.
12. **The Torrens System and Registration of Land Titles.**—Francis M. Burdick, New York, Chairman; John H. Wigmore, Illinois; Ira A. Chase, New Hampshire; E. F. Johnson, Philippine Islands; Rome G. Brown, Minnesota; John D. Lawson, Missouri; Edward Kent, Arizona.

13. Banks and Banking.—John R. Hardin, New Jersey, Chairman; Ernst Freund, Illinois; Charles S. Lobingier, Philippine Islands; George W. Bates, Michigan; I. D. Wall, Louisiana; Wm. W. Brannon, West Virginia.

14. Publicity.—W. O. Hart, Louisiana, Chairman; Charles Thaddeus Terry, New York; Clarence N. Woolley, Rhode Island.

Special Committee on Vital and Penal Statistics.—F. L. Siddons, District of Columbia, Chairman; Aldis B. Browne, District of Columbia; Walter C. Clephane, District of Columbia.

Special Committee on Child Labor Legislation.—Hollis R. Bailey, Massachusetts, Chairman; Amasa M. Eaton, Rhode Island; Nathan William MacChesney, Illinois; Fremont Wood, Idaho; C. A. Severance, Minnesota.

Special Committee on Compensation for Industrial Accidents.—Hollis R. Bailey, Massachusetts, Chairman; John H. Wigmore, Illinois; Aldis B. Browne, District of Columbia; Charles Thaddeus Terry, New York; John R. Hardin, New Jersey; Peter W. Meldrim, Georgia; George Whitelock, Maryland.

Special Committee on the Situs of Real and Personal Property for Purposes of Taxation.—Ernst Freund, Illinois, Chairman; John R. Hardin, New Jersey; John H. Voorhees, South Dakota; Stephen H. Allen, Kansas; Edward Lees, Minnesota.

Special Committee to Co-Operate with the American Institute of Criminal Law and Criminology.—John H. Wigmore, Illinois, Chairman; John D. Lawson, Missouri; W. A. Blount, Florida.

PROCEEDINGS

Boston, Massachusetts,

Wednesday, August 23, 1911, 10.30 A. M.

The Twenty-first Annual Conference of the Commissioners on Uniform State Laws convened in the Hotel Vendome, Boston, Massachusetts, on Wednesday, August 23, 1911, at 10.30 A. M., the President, Walter George Smith, of Pennsylvania, in the Chair.

(The address follows these minutes, page 873.)

Henry H. Ingersoll, of Tennessee:

I move that the President's address be referred to the Executive Committee with power to report by resolution or otherwise at any time on any part thereof, and I wish to offer the following resolution to be referred to the same committee:

That the Executive Committee be instructed to consider the propriety of appointing from this body a committee of five to attend the international tax conference at Richmond, Virginia, on September 6, to consider the question of a uniform law on taxation, or some features thereof.

A division of the question was called for, the motion was carried and the resolution adopted.

The report of the Treasurer, Talcott H. Russell, of Connecticut, was read by him.

Talcott H. Russell, of Connecticut:

I might add to the Treasurer's report that there are bills which have come in which largely cover the balance on hand.

On motion, the report was received and referred to an auditing

committee, consisting of Mr. Massie, of Virginia; Mr. MacChesney, of Illinois, and Mr. Blount, of Florida.

The report of the Secretary, Charles Thaddeus Terry, of New York, was then read.

John C. Richberg, of Illinois:

In moving that the Secretary's report be received, accepted and published among the proceedings, I desire to state there is one matter to which the Secretary, in view of his well known modesty, has not referred, and that is his method of economizing in the expense of publication. For instance, the circulation of the second tentative draft of the Incorporation Act, prepared by the committee at a session last January, was left with the President of the Illinois State Bar Association. I ordered 2000 extra copies to be paid for by us, the cost of which we had estimated would be from 8 to 10 cents per copy, but which I obtained for less than 5 cents per copy, or about 4 cents and a little over. The Secretary of the Conference in preparing the second tentative draft, not knowing I was going to order those 2000 copies, made an order in behalf, practically, of the Illinois Association, reserving 750 copies for the Conference at 1 cent per copy; so that the entire cost to the Conference would be only \$7.50, while we paid \$85.

The President:

You have heard the report of the Secretary and the suggestion of Mr. Richberg, of Illinois, which finds a responsive echo in all our hearts. Those in favor of the motion to receive, accept and publish the report, will say aye; those opposed will say no.

The motion was carried.

(The report follows these minutes, page 902.)

The President:

The Chair will appoint as a committee to nominate officers of the Conference for the ensuing year, Mr. Hart, of Louisiana; Mr. Shepard, of Washington; Judge Staake, of Pennsylvania; Mr. Mordecai, of South Carolina, and Mr. Ingersoll, of Tennessee.

William H. Staake, of Pennsylvania:

I would suggest before we take up the report of the Executive Committee—and I shall follow the line of conduct of the Chair in reading it, and read only certain parts of it—we should determine the hours for the sessions of the Conference. The Executive Committee, after discussing the matter at its meeting last evening, requested me to move that the session in the morning be from 9 o'clock until 12.30, and the session in the afternoon from 2 o'clock to 4.30.

It was moved, seconded and carried that those be the hours for the sessions.

William H. Staake, of Pennsylvania, outlined the program for the various sessions.

Moved, seconded and carried that this be the tentative program of the Conference, and that this program be printed.

The report of the Executive Committee was then read by William H. Staake, of Pennsylvania, its Chairman, and on motion, received and placed on file.

(The report follows these minutes, page 911.)

Charles Thaddeus Terry, of New York:

It becomes my sad duty to announce to you, Mr. Chairman and members of the Conference, the death, since our last meeting, of the following among our colleagues upon the Conference:

Levi Turner, of Portland, Maine.

Thomas J. Kernan, of Baton Rouge, La.

Robert W. Williams, of Tallahassee, Fla.

Hiram Knowles, of Missoula, Mont.

And I move you, sir, that the matter of the preparation of suitable minutes to be presented to this Conference and for record among our proceedings be referred to the Executive Committee of this body.

The motion was seconded and carried unanimously.

Hollis R. Bailey, of Massachusetts:

Gentlemen, before any of you go away, I want to make a brief announcement. The President and the Reception Committee

of the Massachusetts Bar Association have asked me to make known to you that they have arranged for a reception of the Commissioners, to be held on Friday evening of this week at the University Club, and they have asked me to get into your hands cards of invitation, and I have delivered to quite a number of the commissioners such cards of invitation. If you, before going away for lunch, will register in the registry book, giving your Boston addresses, I will see that you get cards of invitation; and if any of you fail to receive a card, I will esteem it a personal favor if you will speak to me about it, because I want every Commissioner to have a card of invitation. And I will say that the President of the University Club has done us the honor to extend an invitation to each Commissioner to accept all the privileges of the club during the time of the sitting of the Conference; and I have cards which, also, I will try to get into your hands, giving you the privileges of the club. The card does not say so, but if any of you have ladies with you, the ladies have the privilege of the ladies' dining room; it is just a few minutes walk over to Beacon Street, a pleasant place to go, and a good dining room in every particular.

On motion, duly seconded, it was voted,

That the thanks of this Conference be extended to the Massachusetts Bar Association and to the University Club for the courtesies they have offered this body.

The report of the Committee on Commercial Law was read by its Chairman, Talcott H. Russell, of Connecticut, and received by the Conference.

(The report follows these minutes, page 923.)

The Chairman of the Executive Committee was requested to have printed a list of all Commissioners present at the Conference.

The President:

Now, the Secretary has handed me a letter from Mr. Moores, of Indiana, stating that domestic affliction will prevent the attendance of Andrew A. Adams, and that illness has prevented his own attendance, which will explain why they are not here

Walter E. Coe, of Connecticut:

I would like to have you call a meeting of the Committee on Purity of Articles of Commerce, to be held immediately after this session in the corner of this room.

The president:

I will call for the report of the Committee on Wills, Descent and Distribution. It is in print, and has been sent to every Commissioner and a supply of copies is on the platform.

On motion of Mr. Hart the report of the Committee on Wills, Descent and Distribution was received and placed on file.

(The report follows these minutes, page 925.)

Recess was taken until 2 P. M.

AFTERNOON SESSION.

The President:

The hour of two o'clock having arrived, the Conference will come to order. When we adjourned we had so far progressed with the reception of reports from committees as to have received that of the Committee on Wills, Descent and Distribution. The next regular matter will be the presentation of reports from the other standing committees; and thereafter the conference will take up the consideration of the report of the Committee on Commercial Law, and listen to a brief address from Dr. William Draper Lewis, Dean of the Law School of the University of Pennsylvania, who has drafted an Act on the subject of the Law of Partnership, which will be presented as an addendum to the report of the Committee on Commercial Law.

The report of the Committee on Marriage and Divorce was then presented, and laid on the table to be taken up in regular order tomorrow morning.

(The report follows these minutes, page 932.)

The report of the Committee on Conveyances was then read, received and laid on the table until it could be taken up in its regular order, in the order of program agreed upon by the Executive Committee.

(The report follows these minutes, page 945.)

The President:

The report of the Committee on Depositions and Proof of Statutes of other States: Mr. Bromberg, of Alabama, is Chairman. I see Mr. Woolley, of Rhode Island, is here. Perhaps he will present the report.

Clarence N. Woolley, of Rhode Island:

At a meeting of the Committee on Depositions and Proof of Statutes of other States, the Secretary of the committee was made a sub-committee to investigate and become familiar with the laws relative to the statutes of other states, and to prepare, if necessary, after the examination of all the laws of all the states a draft of an Act. I did so, submitted the draft of an Act to the members of the committee which received their approval. Mr. Bromberg, not being able to be here, requested me to submit my report as the report of the committee.

(The report of the Committee on Depositions and Proof of Statutes of other States follows these minutes, page 927.)

The President:

The report will lie on the table.

Clarence N. Woolley, of Rhode Island:

In regard to a bill, Mr. Hart is not here, but I think Mr. Whitelock has prepared it, and has a draft of an Act ready.

The President:

It will be part of this report.

George Whitelock, of Maryland:

I am not prepared to present that, Mr. President. My attention was drawn to the subject, so far as it concerns instruments outside of the United States, by John W. Gary, now United States Minister to Venezuela. He, having served a long time in the diplomatic service abroad, told me of the considerable difficulties encountered owing to the different laws in the different states. I made a draft of a law to obviate some of the difficulties to which he called my attention; but, as I say, the scope of that was confined to instruments made outside of

America. I sent that to Mr. Woolley's committee. I understood him to say they were in communication, and there was no report made back to me, and I am hardly prepared to make a report. If Mr. Woolley can report what is best between the different states, I should be very glad; because of the troubles Mr. Gary pointed out to me, it is high time that that subject was disposed of by the Conference.

Clarence N. Woolley, of Rhode Island:

I will state, Mr. President, that we have had no communication whatever.

The President:

Then, that matter is not ready for report.

The next matter will be the report of the Committee on Insurance, of which Mr. Bergen, of New Jersey, is Chairman.

Frank Bergen, of New Jersey:

Mr. President, the matter of insurance presents peculiar difficulties which were intimated in the address of this morning. For that reason the committee has been unable to make any substantial progress this year.

The President:

The next matter will be the report of the Committee on Congressional Action, of which Mr. Browne, of the District of Columbia, is Chairman.

Aldis B. Browne, of the District of Columbia.

I have sent my report to Judge Staake, Chairman of the Executive Committee.

William H. Staake, of Pennsylvania:

I presented the report to the Executive Committee last evening. It was not a report requiring any action.

The President:

We will pass the report of the Committee on Congressional Action.

(The report follows these minutes, page 951.)



The President:

The next matter will be the report of the Committee on Appointment of New Commissioners.

W. O. Hart, of Louisiana:

Since I found Judge Harker was not coming, I have not had time to prepare a formal report, but I can state verbally that since the last Conference, Commissioners have been appointed from no new states and the District of Alaska is still unrepresented. The terms of office of Commissioners have expired in a number of states, which I will write about later.

The President:

It will be considered that Mr. Hart will have leave to file his written report at the next session.

(The report follows these minutes, page 931.)

Mr. Walter E. Coe, Chairman of the Committee on Purity of Articles of Commerce read the report of that committee.

The President:

The report will be received, if there is no objection, will be laid on the table, and called up in its order.

(The report follows these minutes, page 943.)

John C. Richberg, of Illinois:

Do I understand that report will be called up subsequently?

The President:

Yes, sir.

John C. Richberg, of Illinois:

The reason I make that inquiry is this: That the Committee have made the same recommendation for several years, that the Conference recommend to the different states to adopt the congressional enactment. I have met with the same difficulty that the gentleman from New Orleans has met with. To my astonishment, supposing this conference had adopted it, I found that the recommendation of the committee had never been adopted.

The President:

Mr. Richberg, the order of business calls simply for the reception of reports.

John C. Richberg, of Illinois:

I want to call attention to that fact.

The President:

There will be opportunity.

The next business is the reception of the report of the Committee on Uniform Incorporation Law; Mr. Richberg, of Illinois, Chairman.

John C. Richberg, of Illinois:

I have made a formal report which the Executive Committee has. At the last Conference at Chattanooga, the first tentative draft of a Uniform Incorporation Act was considered by the Conference, and the first 21 sections were criticised, suggestions made and amendments thereto, and that final draft was adopted by the Conference, leaving the remaining sections, some fourteen, not acted upon heretofore. The committee, under instructions from the Conference, met last January, in New York, and considered the other sections and also redrafted the sections which had been amended and prepared a second tentative draft. The second tentative draft has been sent to all the Commissioners of this Conference, and those who have not copies will have copies here, as we have plenty to furnish them. When the proper time arrives, the committee will take up the balance of the suggestions and criticisms.

(The report follows these minutes, page 952.)

The President:

We will pass to the report of the Committee on the Torrens System and Registration of Land Titles, of which Mr. Burdick, of New York, is Chairman.

(The report of the Committee on the Torrens System and Registration of Land Titles, follows these minutes, page 941.)

Francis M. Burdick, of New York:

In connection with the report, may I say that some days ago, I wrote to the Chairman of the Executive Committee, and also to the President of the Conference, asking for permission to invite two advocates of two views with respect to the Torrens Law to be present and present to the Conference their views. Mr. Boston has accepted and probably Mr. Hawkes will. Next Monday, I think, according to schedule, would be a free day, and that would suit, I am sure, Mr. Boston; and if the matter could be set down for Monday, I am sure we would have an interesting discussion, limited to such time as this Conference may see fit to decide it should be.

The President:

It will be understood that, unless the pressure of affairs causes the Executive Committee to change the program, the consideration of the report of the Torrens Committee, Mr. Burdick, Chairman, will go over until next Monday, and then, with the consent of the Executive Committee, the addresses of the gentlemen to whom he has referred will be heard by the Conference. The next report is that of the Committee on Banks and Banking, of which Mr. Hardin, of New Jersey, is Chairman.

John R. Hardin, of New Jersey:

There has been nothing that has required action by this committee, therefore, we have no report to make at this time.

The President:

The next report is that of the Committee on Publicity, of which Mr. Hart, of Louisiana, is Chairman.

W. O. Hart, of Louisiana, presented the report of the Committee on Publicity, which was received and filed.

(The report of the Committee on Publicity follows these minutes, page 938.)

The President:

Report of the Special Committee on Vital and Penal Statistics, of which Mr. Siddons, of the District of Columbia, is Chairman, is next in order, but he is absent, and Mr. Browne, of the District of Columbia, may have something to state.

Aldis B. Browne, of the District of Columbia:

I can report nothing, Mr. President; Mr. Siddons has said nothing to me about it.

The President:

Report of the Special Committee on Child Labor Legislation, of which Mr. Bailey, of Massachusetts, is Chairman.

Hollis R. Bailey, of Massachusetts:

That report is in print, copies have been sent, and there are more copies available; so I present the report and ask that it be considered as read.

The President:

The report is received and will be taken up in the order prescribed by the Executive Committee.

(The report of the Special Committee on Child Labor Legislation follows these minutes, page 939.)

The President:

Next is the report of the Special Committee on Compensation for Industrial Accidents, of which also Mr. Bailey, of Massachusetts, is Chairman.

Hollis R. Bailey, of Massachusetts:

What I have said in regard to the report of the Special Committee on Child Labor Legislation is also true with regard to the report of the Special Committee on Compensation for Industrial Accidents. The Committee, consisting of seven members, has done a very large amount of work; we have made a short report, we have a tentative draft of a workingmen's compensation Act, and we shall expect at some time to show how that report and tentative draft invite careful consideration.

The President:

The report will lie on the table.

(The report of the Special Committee on Compensation for Industrial Accidents follows these minutes, page 934.)

The President:

Now, gentlemen, I have the pleasure of introducing to you Dr. William Draper Lewis, Dean of the Law School of the University of Pennsylvania, who has been kind enough to give his labors in behalf of that University in preparing a new draft of an Act to make uniform the law of partnership at the request of the Committee on Commercial Law and with the approval of the Executive Committee.

Dr. Lewis will kindly take the platform and give us a brief explanation of the principles covered in his draft of an Act.

W. O. Hart, of Louisiana:

Will the President pardon me a moment while the Conference receives the report of the Committee on Nominations?

The committee recommends the election of the following officers:

President: Walter George Smith, of Pennsylvania.

Vice-President: Arthur T. Stovall, of Mississippi.

Treasurer: Talcott H. Russell, of Connecticut.

Secretary: Charles Thaddens Terry, of New York.

I move that the report of the committee be received, and under the instructions of the committee I am authorized to offer a resolution that Mr. A. M. Eaton, former President of the Conference, be authorized to cast one ballot for the Conference for the officers named in the report.

The President:

I will ask Judge Taylor, of Missouri, to take the Chair.

(Seneca N. Taylor, of Missouri, in the Chair.)

The Chairman:

You have heard the report of the Committee on Nominations, and the motion made by its Chairman, that the report be received and that ex-President Eaton cast one ballot for the Conference for the gentlemen named in the report. Those in favor of the motion will say aye; those opposed will say no; the motion prevails.

Mr. Eaton will please cast a ballot for the candidates.

A ballot has been cast for the candidates nominated by the committee and it is unanimously in favor of their election and I declare them elected to the respective offices of the Conference.

William H. Staake, of Pennsylvania:

Mr. Chairman, I move that the Chairman of the Committee on Nominations, Mr. Hart, of Louisiana, be appointed a committee of one to inform the President of his re-election and invite him back into the room. (Carried.)

John C. Richberg, of Illinois:

Mr. Chairman, while the President is being notified of his election, I also move that Mr. Hart be requested to inform the Secretary and Treasurer of their election.

W. O. Hart, of Louisiana:

Mr. Chairman, I present to the Conference its President-elect, Walter George Smith, of Pennsylvania.

The President:

Gentlemen, I need not assure you of my appreciation of this renewed evidence of your confidence. During the two terms in which I have been signally honored by holding this position, which has been held in a period of twenty-one years by only four men, including myself, and which has been weighted with no little responsibility, I have received the most cordial and constant assistance from all of you. I feel that a reputation has been established by the Conference. It is an earnest and working body, and none of those who attend it come here with any other thought in mind except to do the duty which they have assumed; backed up, of course, by the sympathy of our colleagues, and the delightful associations that no profession extends, as ours does, to all of its members. I feel confident that the future presents to us a still larger sphere of usefulness, and I feel sure all of us will do our best, each in our different states, to advance the cause of uniformity in state laws.

W. O. Hart, of Louisiana:

I think the Conference would like to hear from our new Vice-President.

The President:

Will Mr. Stovall, of Mississippi, address the Conference?

Vice-President Stovall: No, Mr. President. I appreciate more than I can express the honor conferred by the Conference in electing me its Vice-President. I did not come here for that purpose and I am very much surprised at being honored with this office. I thank you.

The President:

Now, I will have the pleasure of introducing to you Dr. William Draper Lewis, who was about to speak to you when the proceedings were interrupted by the report of the Committee on Nominations. Will Dr. Lewis come to the platform?

Dr. William Draper Lewis, of the University of Pennsylvania, delivered an address on a proposed uniform law of partnership, explaining at length the difference between the entity theory on the one hand, and the aggregate theory on the other; and the Commissioners discussed the Act as a whole, and some of the sections thereof with particularity.

Talcott H. Russell, of Connecticut.

I wish to remind the Conference that this Act is merely submitted to us for the purpose of hearing Professor Lewis and having incidental discussion. It is not the intention of the committee to ask any final action upon the draft at this time. The purpose of this is simply for the information of the Conference as to the general nature of the Act, also for the information of the committee itself as to the feelings of the Conference. Now, I think, after hearing the discussions of these difficulties that are suggested, the Conference would feel like this: That the committee was not prepared at all to commit itself with refer-

ence to this particular Act. At the proper time, therefore, I shall submit this resolution:

Resolved, That the draft of an Act to make uniform the law of partnership submitted by the Committee on Commercial Law without recommendation, be referred back to said committee with directions to report their recommendations in reference thereto to some future meeting of this Conference.

Talcott H. Russell, of Connecticut:

Perhaps I might as well offer this resolution at this time without however intending to shut off any questions that any member may desire to address to Professor Lewis.

Hollis R. Bailey, of Massachusetts:

I would like to ask Mr. Russell whether it is the desire of the committee to have any sense of the meeting taken at this Conference as to which of the theories is the better one.

Talcott H. Russell, of Connecticut:

I don't know that it is necessary to do that. My own opinion about this draft is that although it goes on the common law theory in the main, yet I was considerably impressed by Professor Williston's suggestion that to some extent we had borrowed from the equity theory. I do not understand the committee is fanatically devoted to any particular theory which is not entirely practicable to accomplish our purpose. If the committee were to adopt any special theory, perhaps it might tie us up. What do you say to that, Professor Lewis? Would it be well to ask for a vote at this time at this Conference as to whether it proposes to tie itself to any particular theory?

Dr. William Draper Lewis:

I should say, Mr. Chairman, I sympathize with the general attitude of the committee. As I understand it, the only general thing which this draft is based on, as to the question of theory, is really in a sense positive negation of the proposition that you can regard a partnership as a separate legal person. I am quite willing to agree with Professor Williston, however, that we have regarded a partnership as an entity in a great many instances, using that word as I have explained in the first

part of my address, but merely that the draft has not endowed that entity with separate legal personality.

Talcott H. Russell, of Connecticut:

I don't think there is any occasion for asking the Conference at this time to commit itself to any particular theory on this matter.

John R. Emery, of New Jersey:

I would make this suggestion, with Mr. Russell's consent: That the resolution be amended by stating that the Conference approves the general theory upon which the draft has been prepared, and then follow the language of the resolution to recommend it to them for their further consideration.

Talcott H. Russell, of Connecticut:

I have no objection to that amendment.

Seneca N. Taylor, of Missouri:

I would rather that resolution would not pass.

The President:

As amended?

Seneca N. Taylor, of Missouri:

Yes; later on I may be fully persuaded that this is the best theory but I confess I am not so persuaded today.

The President:

Do you press your amendment, Mr. Emery?

Seneca N. Taylor, of Missouri:

I would rather the amendment would not carry until we have read the report. I have not read it and I do not want to commit myself to a theory which I will have to go back on.

The President:

The Chair would remind the Vice-Chancellor that the Conference committed itself to the separate person theory at one time, then they reconsidered that a year afterwards and a year afterwards left the matter open to the committee; so the committee now has latitude until it is bound by some vote of the Conference. Are you ready for the question?

John R. Emery, of New Jersey:

I do not press the amendment.

Charles E. Shepard, of Washington:

I wish to ask the question: Whether it is intended to have any discussion of this draft at any time during the Conference?

The President:

Not during this Conference. The Conference is so pressed with matters that are in a further state of advancement and other matters that must be brought forward that the Executive Committee did not deem it well to give more time, nor does the Committee on Commercial Law desire that more time should be given to this matter. I will therefore put the resolution of Mr. Russell, which is as follows: (Reading the resolution as printed above). It is understood that the Committee on Commercial Law will send out in print, in good time before the next meeting, the result of their deliberation; that is understood.

John R. Emery, of New Jersey, pointed out some of the questions of doubt as to the expediency of some of the provisions of the Partnership Act and requested the committee having the Act in charge to afford an opportunity for the members to make suggestions as to alterations.

Talcott H. Russell, of Connecticut:

I will say, on behalf of the committee, that we shall carefully consider any suggestions about anything, with reference to any feature of this act or the whole of it, from any member of the Conference. I hope all the members of the Conference, or any of them, will feel it their duty to make suggestions that they may think wise.

John R. Emery, of New Jersey:

Would it be too much trouble for the Chairman of the Committee to notify us thirty days in advance that they propose to take it up, and that they would be glad to have suggestions? I think that would probably draw it out in time. Otherwise, it might be overlooked.

Talcott H. Russell, of Connecticut:

I will adopt the suggestion.

The President:

Mr. Vice-Chancellor, it has been the custom to have the committee meetings in New York, Philadelphia, Washington or elsewhere, where as a matter of custom the committees have sent out in advance notices of where and when they will sit. Probably Mr. Russell, in his wisdom will decide on some such course.

Now, gentlemen, the adoption of this resolution sends the work back to the committee with such light as has been developed by this discussion, but does not commit the Conference to any part of it, or to any particular theory in regard to the law of partnership. With that explanation, are you ready for the question? Those in favor of adopting the resolution will say aye; those opposed will say no; it is so ordered.

Charles Thaddeus Terry, of New York:

I beg leave to offer the following resolution:

WHEREAS, William Draper Lewis has of his own volition and without compensation, but purely because of his interest in the subject, devoted his time, abilities and learning to the preparation of the drafts of proposed Uniform Co-partnership Acts, and

WHEREAS, he has availed himself, in this connection, of the efficient services of Mr. J. B. Lichtenberger,

Be it Resolved, That the Conference very highly appreciates the disinterested and valuable co-operation of Mr. Lewis and Mr. Lichtenberger in its work, and extends to them its cordial thanks for their excellent offices involved in the drafting and the presentation of these Acts.

Talcott H. Russell, of Connecticut:

I second that motion.

The President:

Those in favor of adopting the resolution will say aye; those opposed will say no; the resolution is unanimously adopted.

The President:

Now, gentlemen, we are about to adjourn. It is understood after the usual preliminary matters, such as the announcement,

possibly, of a committee or communications through chairmen of committees, tomorrow morning the program will call for the consideration of the reports of the Committee on Marriage and Divorce, which embodies a Uniform Marriage Act, a matter of very grave importance. Copies are to be had here, and gentlemen would do well to prepare themselves if they can, before the meeting. Consideration of the Wills Act will follow.

The Conference then adjourned to Thursday, August 24, 1911, at 9 A. M.

SECOND DAY.

Thursday, August 24, 1911, 9 A. M.

The President:

The Conference will come to order. The by-laws provide that your President shall appoint the committees for the year at the earliest convenient moment, but it will require some consideration on the part of the Chair to appoint all of the members of the various standing committees. However, there is one committee which has duties to perform constantly and therefore I will announce the members of that committee, which is the Executive Committee. It will consist of William H. Staake, of Pennsylvania, Chairman; James R. Caton, of Virginia; C. P. Black, of Michigan; Nathan William MacChesney, of Illinois; John R. Hardin, of New Jersey, together with the President, the Vice-President, the Treasurer, the Secretary and the past-President Amasa M. Eaton, ex-officio. Judge Staake will no doubt call meetings of the committee at different times during our session, and I venture to suggest to him that it would be well to have a meeting for organization immediately after the adjournment of this morning session, and in addition to that, there are a number of matters which possibly may be referred to the committee, which they may take up at their convenience.

A special order of business for this morning is the consideration of the Marriage Act.

That Act has been before the Conference in tentative shape since our meeting at Detroit. Last year in Committee of the

Whole it was gone over, section by section, and approved, excepting a few sections, and the whole Act was referred back to the committee on account of those sections with instructions to annotate it and send it out in due time to all the members of the Conference. Mr. Frost, of Wisconsin, the chairman of the committee, has written me expressing his regret that he is not able to be here, but he has arranged with Professor Freund to present the views of the committee, and Mr. Crocker, of Pennsylvania, the expert whom the Conference employed to draft the Act, is also here, and we will now proceed to the consideration of those sections.

(Statement of Mr. Freund and discussion in connection with this Act are omitted.)

(At this point United States Senator J. R. Thornton, a Commissioner from the State of Louisiana, entered the room.)

The President:

Professor Freund will pardon me if I interrupt him to ask the members of the Conference to arise and greet Senator Thornton.

United States Senator J. R. Thornton, of Louisiana:

Gentlemen, I am very glad to be with you again, and thank you for your courtesy. Mr. Eaton, I had the pleasure of riding to Boston last night on the Pullman car named "Roger Williams," and I thought of you.

It was moved, seconded and carried that the remaining sections of the Act, as amended, be approved.

The President:

The Committee on Wills, Descent and Distribution, of which Mr. Hart, of Louisiana is Chairman, will be heard now and I will not call up the Incorporation Act until 2 o'clock.

(Discussion in connection with this Act is omitted.)

It was moved, seconded and carried that the report be recommended with instructions to the committee to present an annotated Act at the next Conference.

The President:

In order to conserve the time, if there is no objection, I will ask Mr. Bailey, who is Chairman of the committee, to explain to us the status of the Workingmen's Compensation Act.

Hollis R. Bailey, of Massachusetts, thereupon stated the progress of the work of the committee, called attention to the tentative draft of the Act prepared by the committee and explained some of its provisions.

The Conference then took a recess until 2 P. M.

AFTERNOON SESSION.

The President:

The Conference will be in order. The business of the afternoon is the consideration of the Uniform Incorporation Act, but before calling that up I will ask the Chairman of the Executive Committee if he has any report to make.

William H. Staake, of Pennsylvania:

I would report that after the adjournment of the morning session, the Executive Committee met and organized by electing Mr. Terry as Secretary, but in Mr. Terry's absence, Colonel MacChesney was made secretary *pro tem*.

The committee took up the matters referred to in the address of the President yesterday. On the question of drafting a uniform Act on the subject of insurance companies, and the rules under which they should be conducted, the committee recommend that the matter be referred to the Committee on Insurance Law with the request that it consider and make a report to the Conference at its next meeting.

On the question of laws affecting pure medicines, the committee recommend that the matter be-referred to the Committee on Purity of Articles of Commerce for such action as to it may seem wise.

On the subject of a Uniform Inheritance Tax Law, the Committee recommend the appointment of a special committee of five, to consider what, if any, legislation is advisable on the subject.

On the question of the propriety of appointing five delegates

to attend the convention at Richmond to consider the question of taxation, the committee recommend that it is inexpedient to appoint such delegates.

The committee recommend that the Commissioners from Maine, Florida, Louisiana and Montana be requested to prepare brief memorials on the death of deceased members of the Commission from those states for publication in the proceedings of the Conference.

The committee also recommend that a session be held this evening from 8.30 to 10 o'clock to consider the subject of a Workingmen's Compensation Law.

Moved, seconded and carried that the report of the Executive Committee be approved and filed.

The President:

We will now take up the consideration of the Incorporation Act.

John C. Richberg, of Illinois:

As Chairman of the committee I would state that at the last Conference we went through the first twenty-one sections of this Act, and there were numerous suggestions and amendments made, which were finally adopted in Committee of the Whole. The remainder of the sections were laid over to be considered at this Conference, when the second tentative draft should be prepared.

I think I can speak for the members of the committee when I say that we have no pride of opinion with reference to these sections and we ask that they be freely criticised, and that any suggestions and amendments may be made that members believe are desirable.

For the purpose of considering these sections, and, after they have been thoroughly considered, going through the entire Act, commencing with Section 1, I move that the Conference do now go into Committee of the Whole.

The motion was seconded and carried, and the Conference resolved itself into a Committee of the Whole, with J. R. Thornton in the Chair.

(The discussion of the Act is omitted.)

The Committee of the Whole then arose, and the President resumed the Chair.

The President:

We will receive the report of the Chairman of the Committee of the Whole, which has had under consideration the Incorporation Act.

J. R. Thornton, of Louisiana:

The Committee of the Whole has had under consideration the Uniform Incorporation Act, and reports progress, and asks leave to sit again.

On motion, the report was accepted and the leave granted.

Adjourned to 8.30 P. M.

Evening Session. The President:

Mr. Bailey, as Chairman of the Workingmen's Compensation Committee, will you kindly indicate what order we had better pursue in the further discussion of this subject?

(The statement of Mr. Bailey, and the discussion of some sections of the Act are omitted.)

The President:

Gentlemen, the hour of adjournment having arrived, a recess will be taken until tomorrow morning at 9 o'clock.

THIRD DAY.

Friday, August 25, 1911, 9.00 A. M.

The President:

The regular order this morning is the continuation of the Incorporation Law.

Charles McCarthy, of Wisconsin:

When the report of the Committee on Purity of Commodities was put in, I neglected to file a supplemental report to that, and, as the report has not been adopted, I would like to file it at this time. It simply dissents from the report of the Committee, and recommends the national pure food law as a minimum standard.

(The minority report follows these minutes, page 944.)



The President:

The report will lie on the table together with the report of the committee, and I will remind the Chairman of that committee that the report has never been formally adopted, or at least the recommendations contained in it, and at the proper time the Chairman of the committee should call the matter up.

Nathan William MacChesney, of Illinois:

With the permission of the Conference, I would like to offer a motion that a special committee be appointed to consider the advisability of co-operating with the American Institute of Criminal Law and Criminology, and I ask that this motion be referred to the Executive Committee.

The President:

There is no necessity of a formal motion to that effect. If there is no objection, the subject of appointing such a committee is referred to the Executive Committee.

John C. Richberg, of Illinois:

I desire to make a motion, but before doing so I wish to make a statement. In this connection, I desire to state that there was a misapprehension by one of the members of the Committee, Chancellor Emery, who unfortunately did not sit with the committee on the revision of this draft Act last January. The gentleman, whose attendance upon the committee would have been exceedingly valuable, is now a member of the committee. Mr. Kernan died on January 10. A meeting of the committee was called for January 16, to meet in New York, for the purpose of considering the second tentative draft. Of course at that time no successor to Mr. Kernan had been named, and the Secretary, not knowing of Mr. Kernan's death, very naturally sent notice of the meeting to him. This explanation is due to Mr. Emery, in view of his statement of yesterday that he was not notified of the meeting of the committee.

The tentative draft was presented in Detroit in 1909, and was discussed last year at Chattanooga. I state in my introduction to this bill that at the meeting in Chattanooga, the committee

presented the first tentative draft, prepared by Mr. Terry, Secretary of the Conference, and a member of the committee. Mr. Terry also prepared annotations on the various sections of the Act and a digest of the Corporation Laws of the different states. So much credit has been given to me, as if I had been the draftsman of this law, that I desire to call special attention to the fact that the credit is due to Mr. Terry. Not only is Mr. Terry a very able practicing lawyer, but for fifteen years he has had expert experience as a professor in the Columbia School of Law.

I now move that the Conference go into Committee of the Whole for the purpose of considering the balance of the sections of this Act.

The Conference then resolved itself into Committee of the Whole and resumed consideration of the Uniform Incorporation Act, with Mr. Wilson, of Nebraska, in the Chair.

(The discussion in Committee of the Whole is omitted.)

The Committee of the Whole rose and the President resumed the Chair.

The President:

The Conference will be in order and will receive the report of the Committee of the Whole.

H. H. Wilson, of Nebraska:

Mr. President, the Committee of the Whole, which has had under consideration the proposed Uniform Incorporation Act, reports progress and asks leave to sit again.

The President:

The report is received and the request for leave to sit again is granted.

The Conference will now take a recess until 2 o'clock.

AFTERNOON SESSION.

The President:

Gentlemen, by the consent of the Chairman of the Committee on a Uniform Child Labor Law, and the assent of the Chairman of the Executive Committee, we propose to devote fifteen minutes

in listening to an address by Gilbert Ray Hawes, Esq., of the New York Bar, on the subject of the Torrens System of Land Titles. Mr. Hawes could not remain over until that subject is reached on our program. I have the pleasure in presenting Mr. Hawes.

(Gilbert Ray Hawes made an address in favor of the Torrens System of Registration of Land Titles, and particularly in support of the New York statute on that subject.)

The President:

I am sure we are all very much obliged to Mr. Hawes for his very interesting address. The Conference will now proceed to the regular order.

Carlos C. Alden, of New York:

On behalf of the Committee on Purity of Articles of Commerce, I desire to say that it seems that in years past there has been an oversight in allowing the report of the Committee to be merely received and filed and no formal action adopting any of the recommendations taken, and yet each year the committee has recommended that the Conference approve for adoption the Federal Pure Food and Drug Act of 1906. Therefore, to get the matter in proper shape, on behalf of the committee, I offer this resolution:

Resolved, That the Conference recommend for adoption by the various states the Federal Food and Drug Act of 1906, and urge upon the Commissioners from the states which have not already done so, the desirability of securing favorable action in conformity with this recommendation.

Motion seconded and carried.

The President:

We will now take up the regular order, which is the subject of a Child Labor Law.

Hollis R. Bailey, of Massachusetts, the Chairman of the committee, then read the report.

The Conference then resolved itself into Committee of the

Whole to consider the draft of a Uniform Child Labor Law, with Mr. Monroe, of California, in the Chair.

(Discussion in Committee of the Whole is omitted.)

The Committee of the Whole then rose and the President resumed the Chair.

Charles Monroe, of California:

The Committee of the whole, having had under consideration the draft of a Uniform Child Labor Law, desire to report progress, and ask leave to sit again.

The President:

The report is received and the request granted.

The Conference then adjourned to Saturday, August 26, 1911, at 9.30 A. M.

FOURTH DAY.

Saturday, August 26, 1911, 9.30 A. M.

The President:

The Conference will come to order.

Ernst Freund, of Illinois:

I would like to move that the committee be authorized to print the Uniform Act Relating to Marriage, with annotations, and circulate the same prior to the next meeting.

Charles Monroe, of California:

I will second that motion, if Professor Freund will include in it that the copies be distributed prior to the first of November, The reason I do that is that our State Bar Association meets in November, and it advises legislation, and we ought to have this Act to consider at that time.

Ernst Freund, of Illinois:

I include that in my motion.

The motion, as amended, was carried.

Amasa M. Eaton, of Rhode Island:

On behalf of the Committee on Conveyances, I wish to call

attention to the fact that the committee made a report and submitted the draft of an Act.

We do not ask for the adoption of the Act this year; we simply ask that our report be received and ordered printed.

Motion seconded and carried.

The President:

It is made the duty of the Chair to appoint the Standing Committees as soon as may be convenient, and I have appointed all committees excepting one special committee authorized by resolution of the Conference on the subject of that portion of the President's address relating to the taxation of personal property, and that committee I will appoint before we adjourn finally.

(The list of committees precedes these minutes and is found on page 807.)

The President:

The Chairmen of these committees are requested to communicate with the various members so that they may agree upon such matters of procedure as may be necessary before the adjournment of the Conference.

This morning's session has been assigned for a consideration of the Workmen's Compensation Law. Mr. Bailey, the Chairman of that committee and also the Chairman of the Child Labor Committee, has a suggestion to make with regard to the division of the time that we have at our disposal today.

Hollis R. Bailey, of Massachusetts:

I think it is only fair to divide the time, especially because the Uniform Child Labor Law is now on its third year of work and we did hope that it might be approved this year, after such amendments as may be deemed proper, so that the Conference might at the end of the session say that it had this year and last year approved two uniform laws.

I move that we do now go into Committee of the Whole, and continue consideration of the Child Labor Law.

The Conference then resolved itself into Committee of the

Whole for the purpose of further considering the draft of a Uniform Child Labor Law, with Nathan William MacChesney, of Illinois, in the Chair.

(The discussion in Committee of the Whole is omitted.)

The Committee of the Whole then rose and the President resumed the Chair.

The President:

The Conference will be in order.

Nathan William MacChesney, of Illinois:

The Committee of the Whole, having had under consideration the Uniform Child Labor Law, begs leave to report that it has fully considered the proposed Act and approved of the same, together with certain amendments and suggestions that have been made, and now asks the Conference to approve of its action.

The President:

Gentlemen, you have heard the report of the Committee of the Whole. Those in favor of accepting and approving its action will say aye; opposed, no. (Carried.)

Hollis R. Bailey, of Massachusetts:

I now move that the Conference approve the draft of the proposed Child Labor Law and recommend it for adoption to the various states.

The motion was seconded and carried.

The President:

We will now hear the report of the Auditing Committee.

Eugene C. Massie, of Virginia:

The Auditing Committee reports that it has examined the accounts of the Treasurer, including the receipts and disbursements, and finds the same properly covered by vouchers. The balance shown at the date of the last annual report was \$949.13. Receipts during the year \$2,169.20. Disbursements, \$2,014.94. Balance on hand, \$1,103.39.

On motion, the report was received, and the committee discharged with thanks.

The President:

In announcing the list of committees, I did not announce the Special Committee on the Situs of Real and Personal Property for Purposes of Taxation, and that committee will consist of Ernst Freund, of Illinois; John R. Hardin, of New Jersey; J. H. Voorhees, of South Dakota; Stephen H. Allen, of Kansas, and Edward Lees, of Minnesota.

Eugene C. Massie, of Virginia:

I move that the thanks of the Conference be conveyed to the University Club and to the members of the Massachusetts Bar Association for their hospitable entertainment of the members of the Conference, at the reception last evening.

Clinton O. Bunn, of Oklahoma:

I second the motion.

The President:

All in favor of the motion will signify it by rising. (Carried.)

We will now continue the consideration of the Workmen's Compensation Act.

(Discussion of the Act in Committee of the Whole is omitted.)

John R. Hardin, of New Jersey:

What I would like now, as a member of the committee and as a member of the Conference is, if possible, to get some practical expression of opinion to guide the work of the committee, if it is to continue in the future. The resolution under which this committee was constituted is referred to in the record. It referred the subject to a special committee to consider if it was expedient to draft a law of this kind. The committee started out on a theory quite different from that. The committee has changed its view. Now, isn't it necessary for this Conference, if we are going to get ahead practically at all, to so amend its resolution as to direct the committee to take up the subject of a Uniform Law on Workingmen's Compensation, and then to determine in a general sort of a way whether the theory on which the committee is proceeding is a theory that is to have the ap-

proval of the present Conference, so that, as the work goes on, in the light of the decisions that we will probably have before we meet again, we may come next year with a bill, prepared to discuss it with all the light on the subject that we will then have. I think it would be desirable to have some expression sustaining the work of the committee, as far as it has gone, and indicating on what lines the work shall be continued in the future.

Hollis R. Bailey, of Massachusetts:

I would like to make a motion, in order to get before the Conference the idea suggested by Mr. Hardin.

I would move that that part of the report of this special committee, in which it states that it has reached a conclusion that it is expedient for the Conference to undertake the work of framing a Uniform Law on Workingmen's Compensation, be approved.

Carlos C. Allen, of New York:

I will second that motion.

The President:

Is there any debate upon the motion?

Ernst Freund, of Illinois:

Does that imply any theory upon which the Act is to be drafted?

Hollis R. Bailey, of Massachusetts:

No, sir.

John R. Emery, of New Jersey:

I rise to make an inquiry. Did we not, two or three days ago, pass a resolution that the committee be requested, in drafting the Workingmen's Compensation Act, to draft a law upon the compulsory theory, and with a draft of the sections separately noted, so that the theory which should be finally adopted would be ready in the form of a bill?

Hollis R. Bailey, of Massachusetts:

I think that was suggested, but I do not recall that it was put to a vote.

Aldis B. Browne, of District of Columbia:

I did not understand that it was suggested that it be drafted on the compulsory theory.

The President:

Gentlemen, I think we had better take a vote on this question that has been suggested by Mr. Hardin, first; namely, on the question of whether the committee shall be continued with instructions to draft a bill on the subject of Workingmen's Compensation, but not commit the Conference to any theory by this vote. Are you ready for the question? If so, all in favor will signify the same by saying aye; opposed, no. (Carried.)

Now, the committee is continued with instructions to prepare a bill on the subject. The character of the instructions that shall be given to the committee is now open for discussion by the Conference.

Hollis R. Bailey, of Massachusetts:

Just a word to that point. I hope the hands of the committee will not be tied. We are still investigating this subject. We are not committed to the compulsory theory or the elective theory as yet. The committee is not in accord on that point. I, myself, think the compulsory theory is the preferable one. I am attracted by the suggestion that has been made that the Act be framed in such a way that it may be either one or the other, as a legislative body or a commission may determine. Now, this Act is so framed, that by striking out three or four sections you will have a Compulsory Act, and by leaving them in, you will have an Elective Act.

J. H. Voorhees, of South Dakota:

I move that the committee, in preparing the Act, frame it so as to apply to certain classified occupations to be named by the committee and not so as to apply to all industrial occupations. Seconded.

Ernst Freund, of Illinois:

With the permission of Mr. Voorhees, I would suggest that

it would be well to instruct the committee to go ahead with the preparation of a bill, leaving the question of whether it should be compulsory or elective, in abeyance.

J. H. Voorhees, of South Dakota :

I will withdraw my motion for the purpose of allowing Professor Freund to put his suggestion in the form of a motion.

Ernst Freund, of Illinois :

Then I move that the committee be instructed to draft a Workingmen's Compensation Act, leaving the question of its form, whether compulsory or elective, in abeyance.

Seconded.

Aldis B. Browne, of District of Columbia :

Does Professor Freund expect us to bring in a bill which will be like Hamlet with the ghost left out?

Ernst Freund, of Illinois :

A few sections put in next year would settle that question. There is a great deal of work to be done along other lines first.

Aldis B. Browne, of District of Columbia :

But this thing is traveling fast, and unless we want to bring out, 5 or 10 years from now, a Uniform Compensation Act, after all the states of the union have practically adopted one, and ten already have, why we must proceed not alone with haste, but with speed. I do not want it understood that this committee shall come in with every other portion of the bill prepared, except the portion which is the vital thing itself. I will not continue to work on a committee which is thus restricted. We must go into committee, if at all, as free as we did before.

Hollis R. Bailey, of Massachusetts :

It does seem to me that the motion of Professor Freund ought not to prevail. I think the point aimed at has been quite fully covered by the suggestions that have heretofore been made.

The President :

The Chair did not understand that Mr. Emery's suggestion was put in the form of a motion. Mr. Voorhees gave way to

Professor Freund, reserving the privilege of offering his resolution, as I understood it, subsequently. Professor Freund's resolution is now formally before the Conference, namely, that the committee be instructed to bring in a bill, but that, as to whether it shall be compulsory or elective, is to be left in abeyance. That is the question, gentlemen, that is now before the House.

John R. Hardin, of New Jersey:

If I understood Professor Freund's motion, it seems to me that the Chairman of the Special Committee has rather misapprehended it. I understood it to be that the committee be instructed to draft a bill in such form that it can be either elective or compulsory when the Conference finally considers it. The bill that we have reported now is of that character, namely, by changing three or four sections it could be made either compulsory or elective. Therefore, what is the use of this motion?

Ernst Freund, of Illinois:

If Mr. Emery's motion is carried, why, I should be quite satisfied, so far as I am concerned.

The President:

The Chair does not understand that it was a motion, unless the Vice-Chancellor will put it in the form of a motion.

John R. Emery, of New Jersey:

I will put it in the form of a motion, Mr. President, and move that the committee be instructed, if practicable, to draw a bill presenting both the compulsory and elective features in a form ready for adoption at the next Conference.

Motion seconded and carried.

The President:

The motion prevails and the committee is so instructed.

J. H. Voorhees, of South Dakota:

I now move that the committee be instructed to prepare a

bill which will cover all industrial occupations, and also certain classified occupations.

Seconded.

Hollis R. Bailey, of Massachusetts:

I hope that motion will not prevail. I do not think the hands of the committee ought to be tied to that extent. If you put it that the committee consider that subject, why, that is all very well; but to say that we should go to the extent of framing a bill on the lines of the New York Act, I do not think is just the thing to do.

J. H. Voorhees, of South Dakota:

The reason I made the motion was that I thought the committee desired to have a full expression from the Conference on the subject.

The President:

The Chair would suggest to the gentleman from South Dakota, that he put his thought in the form of a request to the committee.

J. H. Voorhees, of South Dakota:

I will do that, sir. I will move that the committee take my suggestion as a suggestion merely.

The President:

Is there any debate upon that as it now stands?


Aldis B. Browne, of District of Columbia:

I would like to understand if it is made the duty of the committee now to prepare a bill similar to the New York bill, which is now not in existence as a law, because the Court of Appeals of that state has declared it unconstitutional?

The President:

In response to the inquiry of the gentleman from the District of Columbia, the Chair would state that it is not made the duty of the committee to do that.

Gentlemen, I ask you now to vote on the motion of Mr.



Voorhees. All in favor of the motion will signify it by saying aye; opposed, no. (Carried.)

George Whitelock, of Maryland:

One moment, if the gentleman from Oklahoma will permit me the floor. I think it is sufficiently obvious that we are not going to get any further time for discussion of this particular measure in detail. I think there has been a sufficient expression of opinion from the members of the Conference here upon this subject, which can be best described as being in a state of flux, and that the matter should now go back to the committee untrammelled. Indeed, the Conference has so declared. Now, inasmuch as it seems quite clear that we are not going to get any further help by discussing the matter in detail, I move that the act be recommitted to the committee for further consideration and report next year.

Motion seconded and carried.

Clinton O. Bunn, of Oklahoma:

I simply wish to call the attention of the Conference to a resolution which I am going to offer before the Conference finally adjourns, and for the purpose of preparing the minds of the members of the Conference on the subject, I will distribute a pamphlet prepared by Justice Jesse J. Dunn, of the Supreme Court of Oklahoma, on the subject of a permanent Interstate Uniform Commission.

The President:

The gentleman from Oklahoma may, of course, distribute the pamphlet.

John R. Emery, of New Jersey:

I rise to what I suppose may be a question of personal privilege. From the present aspect of the calendar it may be that the bill in reference to a Uniform Incorporation Act may not be reached today and possibly not at all this year. In view of that, and possibly of my own absence from the Conference on Monday next, I desire the privilege of withdrawing some of the criticisms that I made upon the bill reported by the committee. I

am satisfied from conference with members of the committee since I made the criticisms, that I may have mistaken the scope and object of the provision in Section 31. Therefore, I would like the privilege of withdrawing that, and if I am not here on Monday, I ask Mr. Terry to kindly present for me this suggestion to the committee: That they add to the provision the following words: "The rights and remedies of creditors or stockholders against such corporation as an insolvent corporation and the administration and distribution of its assets as such insolvent corporation, are not affected by this section."

The President:

It is not at all improbable that there will be an opportunity on Monday to discuss the Act further, and if so, the suggestion of the Vice-Chancellor will be presented to the Conference.

The Conference then adjourned to Monday, August 28, 1911, at 9 A. M.

FIFTH DAY.

Monday, August 28, 1911, 9 A. M.

The President:

Mr. Russell, as Chairman of the Committee on Commercial Law, has a resolution to offer, I understand.

Talcott H. Russell, of Connecticut:

This resolution has been passed by the Committee on Commercial Law and is submitted to the Conference for approval.

Resolved, that the Committee on Commercial Law be authorized to take up the subject of business associations, other than common law partners and corporations, with a view to preparing a statute on that subject after the Conference has disposed of the Partnership Act; and that the committee be empowered to authorize Dean Lewis on behalf of the Drafting Association to undertake preliminary investigations in reference thereto, without expense to the Conference.

Amasa M. Eaton, of Rhode Island:

I second the motion to adopt the resolution.

Talcott H. Russell, of Connecticut:

The subject of partnership has been considered by this Conference and by the committee as referring only to common law general partners, and therefore an Act on that subject has been submitted. Of course, a complement to that would be necessarily coming to make the subject really complete. It seems desirable at the same time to cover the whole subject of other business associations. It may be asked why we offer this resolution at this time. The reason is that Dean Lewis, on behalf of the Drafting Association, has offered to do the preliminary work in investigating, ascertaining details, and so on, if there is a probability that the Conference will ultimately take up the subject, and we will thus have the preliminary work done for us without expense.

The motion was carried.

Nathan William MacChesney, of Illinois:

I desire to extend an invitation to the members of the Conference to attend the meeting of the American Institute of Criminal Law and Criminology, which will meet in this city on August 31, and September 1 and 2. Some thirty states have now officially recognized the institute and appointed commissioners to attend its meetings. The Commissioners on Uniform State Laws will be accorded the full courtesies of the floor and we hope as many of you as can do so will attend the meeting.

F. M. Simonton, of Florida:

Mr. President and gentlemen. The Commissioners from Florida have prepared the following memorial in reference to the late Robert W. Williams, of our state, long a member of this Commission, and with your leave, sir, I will now read it:

The State of Florida, through its Commissioners here present, offer as a feeling but inadequate testimonial to Colonel Robert Willoughby Williams, the following memorial to him:

“He was born on February 21, 1845, in Tallahassee, Florida. His father was Robert White Williams, Secretary of the Navy under Andrew Jackson, and was the agent of the heirs of General Lafayette and presumably his friend. His mother was Susan

Branch, daughter of Joseph Branch and niece of Governor John Branch, of Florida. Robert Willoughby Williams in his early manhood was a cotton planter in Louisiana, and there married Miss Virginia Sutton, the daughter of a prominent planter of the state, and after a few years returned to Tallahassee and there practiced law until the time of his death.

"He was one of the best known and most esteemed lawyers of the state. Upon the establishment by the Legislature of Florida of the office of Commissioners on Uniformity of Legislation, he was appointed by the Governor as one of the first of such Commissioners, and retained this office until his death at Tallahassee on April 13, 1911.

"His sense of duty and his desire for congenial social intercourse with his fellows made him a constant attendant upon the Conferences of the Commissioners on Uniform Legislation and upon the meetings of the American Bar Association, of which he was an honored member.

"His uniform courtesy of manner, indicative of his innate kindness of feeling, joined to his unswerving convictions of the right, made friends and admirers of all those whom he met, and his loss will be deeply regretted by every one in the wide circle of those who knew him."

We request that this memorial be spread upon the records of this Conference in perpetual memory of this distinguished citizen, and that a copy thereof be furnished the newspapers of Tallahassee for publication, and that a duly engrossed copy, signed by the President and Secretary of this Conference, be transmitted to his family.

W. A. BLOUNT,
F. M. SIMONTON.

Talcott H. Russell, of Connecticut:

I move that the Conference adopt the memorial by a rising vote.

J. R. Thornton, of Louisiana:

I second the motion.

The President:

All in favor of adopting this minute will signify the same by rising. (Adopted.)

W. O. Hart, of Louisiana, then presented the report of the Committee on the Appointment of New Commissioners, which report was accepted and filed.

W. A. Blount, of Florida:

If it is in order at this time, I desire to offer the following resolution:

Resolved, That the Committee on Wills, Descent and Distribution be requested to consider the desirability of formulating a uniform bill, containing provisions for proceedings in each state upon the death of persons resident therein, to procure and preserve evidence as to who may be the heirs of such persons, and, if the committee deem the bill desirable, that it be asked to formulate the same.

The resolution was seconded.

Talcott H. Russell, of Connecticut:

I make a point of order that the resolution should be referred first to the Executive Committee.

The President:

The point of order is well taken. The resolution will be received and referred to the Executive Committee.

W. O. Hart, of Louisiana:

On behalf of Senator Thornton and myself, I ask leave to present the following tribute to our deceased Commissioner, Mr. Kernan.

Boston, Mass, August 28, 1911.

To the National Conference of Commissioners on Uniform State Laws:

The undersigned, being two of the original Commissioners on Uniform State Laws from Louisiana, beg to present the following tribute to their deceased colleague, Thomas J. Kernan, who departed this life on January 9, 1911, at his home, in the city of Baton Rouge, the capital of Louisiana, and has been succeeded as a member of this body by his uncle, Mr. Isaac D. Wall.

Mr. Kernan was born at Clinton, Louisiana, February 6, 1854, and was a son of William F. Kernan, long one of the leading lawyers of Louisiana and who, in that state, held high judicial office. He graduated at the Clinton High School in 1869, entered Washington College at Lexington while General Robert

E. Lee was president, and remained there until 1873, when he graduated with the degree of Master of Arts, the institution then being known as the Washington and Lee University. After his graduation he taught for one year at the university, and two years in Centenary College at Jackson, Louisiana, and after that entered upon the study of the law in his father's office, and was admitted to practice at Clinton in 1877, where he remained until 1884, when he moved to Birmingham, Alabama, remaining there about two years, when he returned to Clinton for a short time, and finally located himself at Baton Rouge in the year 1886, and from that time until the time of his death ranked as one of the leading lawyers of the state, both in general, civil, and criminal practice, though he made a special study of corporation and real estate law and was looked upon as an authority in these branches of jurisprudence.

While taking part at all times in the political affairs of the state as an active Democrat, he, in the proper acceptance of the term, never held office. He was a member of the National Democratic Convention in 1892; for many years was a member of the State Central Committee of the Democratic party, and in 1896 was a Presidential elector. He was a member of the Constitutional Convention of 1898, and was a member of its two most important Committees, the Committee on Suffrage and Election, and the Committee on Judiciary. He was also Chairman of the Committee on Final Revision of the Constitution, and participated actively in its debates, and in the convention was a colleague of the undersigned. He was a member of the Louisiana Legislature in 1904 and 1906, and was the floor leader in the House of Representatives. He was appointed one of the Commissioners on Uniform State Laws in 1903, when the first appointments were made from our state, and attended the Conference that year, and in 1904, 1906, 1908 and 1909, but was prevented by illness from being with us in 1910. He was a member of many important committees of the Conference and was active in its work. Through his efforts the Negotiable Instruments Law was passed by the legislature in 1904, though it had failed in the House of Representatives in 1900 and 1902, after it had passed the Senate.

He also took charge before the House, after he had ceased to be a member thereof, of the Uniform Warehouse Bill, which became a law in our state in 1908. He was delegate to the convention held in Des Moines, in 1906, to discuss the question of the election of senators by the direct vote of the people; was a member of the Louisiana Tax Commission, of the Torrens Commission of Louisiana, and with our Governor and others attended the Conference of Governors called by President Roosevelt in 1908. With the undersigned he was a delegate to the Divorce Congress of 1906, but was unable to attend either of its meetings.

He was married in 1884 to Miss M. Wetherill, who, with a daughter and a son who is an active member of our Bar, survive him.

In presenting this brief biography of our deceased colleague, we beg to offer in connection therewith the following resolutions:

WHEREAS, it has been brought to the attention of the Conference that our esteemed colleague, Mr. Thomas J. Kernan, of Louisiana, died on January 9, 1911, in the prime of manhood and full of honors, with many others in store for him,

Be it Resolved, That in the death of Mr. Kernan this Conference has lost one of its most useful and esteemed members and one whose personal intercourse with the other members of the Conference left nothing to be desired, and whose untimely taking away leaves a void which time only can fill; and

Be it Further Resolved, That Mr. Kernan, as a man, as a lawyer and as a citizen, fully performed all of the duties incumbent upon him as such and was a credit to his state, and his death a loss to its people.

Be it Further Resolved, that these resolutions be spread upon the minutes of the Conference, and that copies thereof be furnished to the press of New Orleans and of Baton Rouge, and that a duly engrossed copy, signed by the President and Secretary, be transmitted to his family.

Respectfully submitted,

J. R. THORNTON,
W. O. HART.

Charles Thaddeus Terry, of New York:

I second the adoption of that minute and the resolutions by a rising vote.

The President:

All in favor of the adoption of this minute and of the resolutions will manifest it by rising. (Carried.)

The Commissioners of Montana offered the following memorial with reference to their deceased colleague Hiram Knowles, a highly respected member of our Conference:

Judge Hiram Knowles was born at Hamden, Maine, January 18, 1834. Son of Freeman and Emily (Smith) Knowles, and a descendant of Richard Knowles, who settled at Easton, Mass., between 1638 and 1640. In 1840 the family removed to Macomb, Ill., and later to Keokuk, Iowa. In 1850 he accompanied his father across the plains to California, and in the fall of the same year went to Central America, remaining there until the following spring, when he returned to Keokuk. He graduated at Denmark Academy in 1855, and studied two years at Antioch College, Ohio. He studied law in the office of Judge Samuel F. Miller of the Supreme Court of the United States; was admitted to the Bar in 1859; graduated at the Harvard Law School in 1860, and immediately commenced the practice of law.

In 1862, he removed to Nevada, and was appointed District Attorney of Humboldt County, and served as Probate Judge in 1863-65. In 1868, he was appointed Associate Justice of the Supreme Court of the Territory of Montana, and served until 1879, when he resigned and practiced his profession in Butte, Montana, with Hon. John F. Forbes, until 1890.

Judge Knowles was a member of the Constitutional Convention of Montana in 1889. In 1890 he was appointed United States District Judge for the district of Montana, in which capacity he continued to act until 1904, when, arriving at the age of 70 years, he resigned. From that time to the time of his death, he lived in Missoula, Montana.

The following memorial was presented with reference to the late Levi Turner, of Maine:

After an illness of five days, Levi Turner died at his home in Portland, Maine, on February 19, 1911. In the full vigor and activity of middle age, without warning or premonition, he was stricken with apoplexy and fell immediately into an unconsciousness from which he never aroused.

Levi Turner was born at Somerville, Maine, February 16, 1859. He was the son of a farmer, and his early life was spent

on a farm, but he desired an education and determined to go to college. Teaching school and earning money in whatever way he could, he struggled through preparatory school and through Bowdoin College, from which he graduated with honors in 1886. After leaving college, he continued teaching until 1889, when he was elected to the Maine House of Representatives. In the same year he was chosen Superintendent of Schools in Rockland, Maine, and occupied that position until 1891. Meanwhile he had been studying law in his spare moments, and was admitted to the Bar in 1891. He thereupon removed to Portland, Maine, where he lived until his death. He was Recorder of the Portland Municipal Court from 1895 to 1899, and left that position to become a law partner of Hon. Charles F. Libby, a recent President of the American Bar Association. In 1904 he was elected to the Common Council of the City of Portland, and was re-elected in 1905, serving as President of that body. In 1906 a vacancy occurred in the judgeship of the Superior Court of Cumberland County. So great was the esteem in which Mr. Turner was held by the attorneys of the county, that they joined almost unanimously in recommending his appointment to fill the vacancy. He was accordingly made a judge in that year and presided over the court continuously until his death, winning a high reputation for fairness, learning and good sense.

For several years prior to his death Judge Turner had been a regular attendant at the meetings of the American Bar Association and was deeply interested in its work. In 1910 he was appointed by the Governor to represent the State of Maine as a Commissioner on Uniform State Laws, and enthusiastically took up the work. His untimely death interrupted his endeavors to secure the enactment by the Maine Legislature, then in session, of some of the uniform acts prepared by the Conference.

Judge Turner was a rare man. He was a man of the strictest integrity, upright and open in all his dealings. He loathed hypocrisy and affectation. He was generous and kind, yet capable of righteous indignation. He was an idealist, yet of that practical sort who make their visions realities. He was a diligent student, of great and diverse learning, but possessed of extraordinary common sense and knowledge of men. His countenance radiated honesty and truth, so that no one could look upon him without being inspired instantly with a confidence that was never misplaced. Perhaps no man in Portland was more generally beloved. From the moment of his illness anxious inquiries were on every tongue, and profound grief touched every heart when it was known that death had come to him. His

funeral was attended by a great assemblage, drawn from every class and condition of men. Perhaps the quality of his life can not be better expressed than in these words spoken at his funeral by the pastor of his church who knew him well:

"I am not here to tell the story of his life and deeds. It is an open book; not a page that has a line written on it that any one may not read. Men, it is much to have lived like that. What after all are other things worth compared to a life like that? Never to have done less than one's best; always to have labored for the thing most worth while; to have cared for the fatherless and the widow; to have earned the respect, confidence, affection of men in all conditions of life; to have all men speak well of him; to have lived so that the most sudden and unexpected summons should have found him ready to die. Can you think of anything better? Can you imagine anything finer? How does it stand with your life? How does it stand with mine? What better prayer can we offer than that we may live as this man lived, and be ready as he to die?"

William H. Staake, of Pennsylvania:

The Executive Committee has a brief report to submit.

The President:

It may be presented now.

William H. Staake, of Pennsylvania:

The question of co-operation with the American Institute of Criminal Law and Criminology was discussed. The committee recommends that the President appoint a committee of three to investigate the advisability of this Conference taking the action proposed.

I move the adoption of the Committee's recommendation in this respect.

The motion was seconded and carried.

William H. Staake, of Pennsylvania:

Action was taken by the committee with reference to printing the report of the Committee on Vital Statistics. There is no action by the Conference needed upon that.

The committee recommend, on the suggestion of Mr. Russell, the Treasurer of the Conference, that, between the meetings of

the Commission, bills that are marked approved by the Chairman of the Executive Committee shall be paid by the Treasurer.

I move the adoption of this recommendation.

The motion was seconded and carried.

William H. Staake, of Pennsylvania :

A communication from the People's National Legal Ethics Society was considered by the committee, and the committee recommend that Mr. Charles Freeman Johnson be advised that he present the matter to the American Bar Association as the body best adapted to deal with the subject.

I move that this recommendation be adopted :

The motion was seconded and carried.

William H. Staake, of Pennsylvania :

A communication from a Mr. John Leary, Singer Building, New York City, was considered and laid on the table.

A resolution presented by Mr. Bunn, of Oklahoma, was also considered and laid on the table.

I move the approval of the committee's action in these matters.

The motion was seconded.

George Whitelock, of Maryland :

The resolution presented to the committee by Mr. Bunn grew out of a suggestion by Mr. Justice Dunn, of the Supreme Court of Oklahoma, who has stated in the printed pamphlet that has been distributed to the Commissioners: "I would suggest a uniform statute to be presented to the different legislatures of the state providing for the appointment of a permanent uniform interstate legislative commission, not exceeding three in each state, and at first two, who should hold their positions for life or during good behavior, or, at any rate, for a considerable length of time, and whose salary would be sufficient to attract to its service the best legal talent of the state." I am opposed to that, as are the members of the committee. There is no possibility of ever securing the passage of such a statute. Even if it could be passed this whole thing would drift into the hands of people who wanted the place for the compensation it paid, and

I think I may say that they would not be the "best legal talent of the state."

The success of our work heretofore has been due to the altruistic patriotism of the men who have taken part in our labors. That being the case, I do not think we want salary to attract men to this work, but devotion to the principles of the law and to the law as a science.

Clinton O. Bunn, of Oklahoma :

I do not wish to discuss this matter at all, except to say that I think the gentleman mistakes the motive which prompted Judge Dunn to use the language he did. Judge Dunn is a very charming personality and a scholarly man, and I think if the language that he used there were read in connection with the rest of the language in the pamphlet it would not warrant the inference that the last speaker draws from it.

The President :

All in favor of ratifying the action of the committee in the matter will signify it by saying aye; opposed, no. (Carried.)

Charles Thaddeus Terry, of New York.

It would seem to me appropriate at this point to refer to another matter. I am heartily in accord with the sentiment that has been expressed with reference to the motives and purposes of Commissioners. None of them has ever suggested, and probably never thought of receiving money compensation for his services. For the most part there could be no money compensation adequate to the services. The time and the energies which many of the Commissioners have been giving to this work are beyond price. There remains, however, this consideration : That there are many things which this Conference must have and which it must pay for. There are expenses connected with the administration of this body. Those expenses, if we are to maintain our independence and individuality, must come from the states which have appointed us as their representatives. From time to time suggestions have been made of ways and means for procuring action on the part of the respective states along these

lines, and from time to time such action has been had. I want to call attention to the fact that in the year last past, more action of that kind has been had and more results along that line have been attained than in any year heretofore. Let the good work go on energetically. Let the various Commissioners emulate the example of New York, Utah, Connecticut and Illinois, which states have during the past year given appropriations to the general fund of this Conference.

I want to call attention, if I may, to the good work done by Brother Richberg. Finding that the legislature was not in a mood to make its contribution, in such form as to enable the Commission to avail itself of it, he went to his State Bar Association and stated the purposes of the Commission and the work it was doing, and it contributed to the fund for the general work of this Conference. Now, that is good work. If we are to maintain our independence and our disinterested action we must have a continuance of that kind of work, and we must have ample funds. Therefore, in order to put my thought in concrete form, I offer the following resolution:

WHEREAS, a number of the states have passed statutes providing for the payment of the expenses of Commissioners in connection with the performance by them of the duties of their office; and

WHEREAS, such statutes are in many instances in such form as to enable the Commissioners to make a contribution from their state funds to the general fund of the Conference;

WHEREAS, such statutes have been collected and printed in the volume designated Conference Bulletin No. 4, and which is now in the hands of the Commissioners;

Be it Resolved, That it is the sense of the Conference that the respective Commissioners be and they are hereby urged to forthwith make contributions to the general fund of the Conference where they have authority under their statutes to do so; and where they have no state appropriation for the purpose to forthwith secure such appropriation by statute or otherwise, as they may be advised.

Talcott H. Russell, of Connecticut:

I second the motion for the adoption of that resolution; and, as Treasurer, I would like to add a word to what has been said

by Brother Terry. Last year seven states contributed to the funds of this Conference. Two states have been added during the year to the number that have hitherto contributed. It is of course not right that seven states should support this work entirely, while 46 states appoint delegates to the conference and take the benefit of the work. I think that consideration, if put strongly before the authorities of the other states, would be of itself sufficient to induce them to make contributions. Furthermore, the consideration should be put to them that, where they call upon men, of the character of the men that I see before me, to devote their valuable time for the period that we do here, and to perform the work that we do here, it is not quite consistent with the self-respect of the state to refuse to pay the expenses at least of their delegates.

Edgar Scurry, of Texas:

I rise to say that I am heartily in accord with the resolution asking for a contribution from the various states to sustain the work of this Conference. I believe I can go to the Governor of Texas and get his assistance in having an appropriation made by the legislature for this work. On the question of the expenses of Commissioners, I must admit that I am not very heartily in favor of that, especially at this time when I feel that I have been a beneficiary.

C. P. Black, of Michigan:

I want to say to the Conference that I made an effort in our last legislature to secure a change in the statute under which our commission was organized, but owing to the fact that the bill was not introduced as early as it ought to have been we did not succeed in effecting the change we desired.

I want to make a suggestion in this connection. I do not know whether the President and the Secretary of this Conference feel that they are clothed with authority to use their personal influence with the different legislatures or not, but it is my opinion that, if the persuasive powers of Mr. Smith and of Mr. Terry could be brought to bear upon the legislatures, we would succeed in securing appropriations for our work.

The President:

I would say in response to what the gentleman from Michigan has said that, it has been the custom of the President of this Conference, whenever he could with good taste do so, to go to a legislature or to a Bar Association and explain the work of this Conference. My predecessor, Mr. Eaton, and I together appeared before the committees of the legislature in Maine, and before a joint committee of the legislature in New Hampshire. I think as a consequence of our visit in New Hampshire the Negotiable Instruments Act was passed there. Last year the legislature of Mississippi did me the honor to ask me to address a joint session of the legislature in that state, and I did so.

I should be glad at any time, consistent of course with my other engagements, to go before any committee of the legislature, or before any Bar Association, in behalf of the work of this Conference; and I think it requires no resolution to give authority to the President, and to the Secretary, to do this wherever it may seem desirable. The Commissioners will understand, of course, that the officers of this Conference could not with dignity obtrude their advice upon any legislature unless it were requested.

Edgar Scurry, of Texas:

Mr. President, I will see that you are invited to Texas.

The President:

If you do, I will certainly accept the invitation.

The President:

Gentlemen, the question is on the resolution offered by Mr. Terry. All in favor of the resolution will say aye; opposed, no. (Carried.)

H. H. Ingersoll, of Tennessee:

I wish to offer the following resolution:

Resolved, That the Executive Committee be requested and authorized to publish for the use of the members of the Conference a digest of the Corporation Laws prepared by Secretary Terry.

John C. Richberg, of Illinois:

The committee has already prepared a resolution on that subject.

The President:

Mr. Ingersoll, will you consent that your resolution be referred to the Executive Committee?

H. H. Ingersoll, of Tennessee:

Yes, sir.

The President:

It is so referred.

W. M. Crook, of Texas:

I offer this resolution:

Resolved, That the Executive Committee be instructed to consider the advisability of considering the rights of married women, and the laws governing the rights and liabilities of married women engaged in commercial pursuits.

The President:

That resolution will be received and also referred to the Executive Committee.

W. O. Hart, of Louisiana:

I have not had time to draw up the resolution, but I had in mind a resolution to this effect. As gentlemen here know, any report of a committee to the American Bar Association which recommends legislation must be printed and distributed either fifteen or thirty days before the meeting of the Association. The result of that is that bills recommended by this Conference, before they can receive the sanction of the American Bar Association, have to wait one year. I wanted to suggest that the President confer with the Executive Committee of the American Bar Association and see if it is not possible to get an amendment to the constitution of that Association providing that reports making recommendations from time to time may apply to bills recommended by this Conference.

The President:

The Chair will consider the suggestion made by the gentleman from Louisiana in the nature of a resolution, and will so confer.

Gentlemen, the Torrens System of Registering Titles was assigned for this morning.

Francis M. Burdick, of New York:

The Committee on the Torrens System, as is known to those who have been present during this meeting, has not drafted a law on the subject and has not even recommended in its resolution, which accompanies the report, the authorization of the committee to draft a bill next year. In explanation of that attitude of the committee it has seemed to me that it might be desirable to go over the history of this committee since its institution in the Conference.

The first committee on the subject of the Torrens Law was appointed in 1905. That committee reported in 1906, giving a very interesting account of the Torrens System, and also of the German System of Registering Land Titles, and closing with a declination to recommend to the Conference the drafting of any law on the subject. The committee, however, was continued. The subsequent year, the Chairman of the committee made a report reciting the events of the year, so far as they touched upon the Torrens System; referring especially to the investigation which had been ordered in Louisiana and in New York upon that subject, giving an account of the efforts made in Louisiana to carry into effect the report of the Investigating Committee there; reporting also that the sentiment in that state did not seem to be ripe for the adoption of the System. The next year there was no recommendation as to any bill being drafted. Then the next year the Committee reported that New York had adopted the law drafted in accordance with the investigation made in that state. But there was still no recommendation for any legislative action by this body. The next report referred in general terms to the progress which had been made during that year, and the adoption of the System in various states. Then we come

to last year, when a report was made by the present Chairman of the committee. The committee had gathered statistics from several of the states, showing what states had adopted the System—some eight or ten, I think—but the committee have been unable to get very much information as to the working of the System in the different states. The action of the Conference last year was that the committee send out to the various Commissioners the statutes of Massachusetts and of New York, upon the subject. As stated in the report which I had the honor to submit some days ago, soon after that action of the Conference, the committee on the same subject of the New York State Bar Association presented a report reciting the danger which that committee thought existed in the law as it then stood, and asking that certain amendments, which that committee had framed, be accepted by the State Bar Association, and be presented to the legislature for adoption. Those amendments were not formally adopted by the Bar Association, but the committee did present the amendments to the legislature last winter. Owing to the fact that this dissatisfaction with the New York Act had made itself felt in the New York Bar Association, the Chairman of the committee did not think it wise to disseminate the New York Act, as it was in process of being amended with the Massachusetts Act, and, as in the report which I presented, asked for further instructions from this Conference.

Under that condition of things the report of the committee asks this: That this Conference request the Commissioners of other states, in which the Torrens Law is now in vogue, to present to the Committee on the Torrens Law before January 1, 1912, a statement respecting the working of the law in their states.

I suppose the committee will be free to ask specific questions of the Commissioners, and thus gather information which will enable it to report at the next meeting of this Conference its opinion as to whether any Torrens System shall be recommended to the different states, and whether this body should undertake the drafting of a uniform bill on the subject. Mr. Boston, the Chairman of the Committee on the Torrens System in the New

York Bar Association, is present, and I would suggest that he be called on to speak on the subject.

The President:

Will Mr. Boston kindly come to the platform? I present Mr. Charles A. Boston, of New York.

(Charles A. Boston, of New York, made an address upon the Torrens System of Registration of Land Titles.)

The President:

I am confident that I express the sense of the Conference when I say that we have listened with a great deal of pleasure to Mr. Boston's remarks.

The question is on the adoption of the resolution submitted by Mr. Burdick in presenting the report. All in favor of it will say aye; opposed, no. (Carried.)

D. A. McDougal, of Oklahoma:

We had up this morning the question of the representation of different states in this Conference. As a member of the Committee on the Appointment of New Commissioners, I would state that we had a meeting and decided on a plan of action, and the Chairman of the committee requested me to draw a resolution in furtherance of the plan. Now, our plan is this: We want to ask, in the first place, that the Conference adopt a resolution urging each state to pass a legislative act creating a state commission, and providing for its expenses. Then we recommend that a similar resolution be introduced into the American Bar Association. With resolutions of this kind to back up the committee, we propose to go to the states that are not represented, and also to some states that are represented, but whose delegates are not paid their expenses. For instance, Judge Taylor and his colleague, from Missouri, are not authorized by legislative enactment of that state, but are simply appointed by the Governor. We will go to a state of that kind, and we will go to the State Bar Association, and then I suggest that we go to the members of the highest court of the state, and lay

the matter before them and get their endorsement. Then we will go to the Governor of the state, and, if possible, get him to include in his message to the legislature that a commission be created by the state, and providing for its expenses.

I think that in no case would failure result if this plan were followed out. This, in effect, is the resolution that I ask the Conference to adopt.

Hollis R. Bailey, of Massachusetts:

I second it.

Peter W. Meldrim, of Georgia:

I would like to ask for information, how many states are represented in this Conference?

The President:

I will ask the Chairman of the Executive Committee to answer the inquiry.

William H. Staake, of Pennsylvania:

I will say that in 1899 we had 20 commissioners and 14 states represented.

In 1901, 23 commissioners, 13 states and 1 territory represented.

In 1902, 18 commissioners, 14 states represented.

In 1903, 21 commissioners, 15 states represented.

In 1904, 27 commissioners, 19 states represented.

In 1905, 27 commissioners, 20 states represented.

In 1906, 42 commissioners, 21 states and 1 territory represented.

It ought to be stated here that in 1906 we met at St. Paul, and Minnesota had nine commissioners present.

In 1907, we had 38 commissioners present and 27 states and 1 territory represented.

In 1908, 35 commissioners present and 22 states and 2 territories represented.

In 1909, we had 58 commissioners and 30 states represented.

In 1910, 49 commissioners; 25 states, 1 territory and Porto Rico represented.

In 1911, 65 commissioners, and 30 states and 1 territory, and the District of Columbia represented.

So that this is the banner year.

Peter W. Meldrim, of Georgia:

As I understand, upon the roll of membership in this Commission, all of the states, with the exception of one, are represented. If that be true, then the recital of fact is not quite accurate. But the point I am getting at is this: If it is presented to one or more states that quite a number of the states of the Union have not acted, would not our resolution meet with some disfavor? I would therefore take the liberty of suggesting that that view be embodied in the resolution, because nothing succeeds like success; and if one of the backward states should think that all the other American states were standing in line and marching to the same music, it would cause that state to come up and join the procession.

The President:

The resolution will go to the Executive Committee to consider the suggestions that have been made.

We will now continue the consideration of the Incorporation Law.

(Discussion of this Act in Committee of the Whole is omitted.)

John C. Richberg, of Illinois:

I offer this resolution.

Resolved, That the Committee on a Uniform Incorporation Law be and it is authorized to prepare a third tentative draft of an Incorporation Act, and a digest and analysis of the incorporation laws of the several states, and distribute the same sixty days prior to the next Conference and present such tentative draft for action at the next meeting.

The resolution was seconded and carried.

W. A. Blount, of Florida:

I have several amendments to this Act to propose, and I would ask the Chairman of the committee if the committee will receive amendments and suggestions outside of the Conference.

John C. Richberg, of Illinois:

Yes; and, not only that, but we shall request others, outside of the members of the Conference, to send us suggestions.

The President:

The hour of adjournment having arrived, we will take a recess until 2 o'clock.

AFTERNOON SESSION.

The President:

As the special committee in connection with the Institute of Criminal Law and Criminology, I will appoint the following:

John H. Wigmore, of Illinois; John D. Lawson, of Missouri; W. A. Blount, of Florida.

W. O. Hart, of Louisiana:

Mr. President, I desire to offer the following resolution on behalf of the Committee on Wills, Descent and Distribution:

Resolved, That the committee be authorized to expend not exceeding the sum of \$100 for the preparation of a digest of the laws of the several states regarding the effect of the probate of foreign wills, and subjects kindred thereto, and of judicial decisions interpreting such statutes, so far as may be necessary to a correct understanding thereof; such information when obtained to be printed with a tentative draft of an act on the subject and distributed to Commissioners and others interested in the subject of uniform legislation.

The resolution was seconded and carried.

William H. Staake, of Pennsylvania:

The Executive Committee requests that the resolution offered this morning by Mr. Blount be referred to it for such action as may be deemed advisable.

The President:

If there is no objection, it is so referred.

William H. Staake, of Pennsylvania:

The Executive Committee reports on the resolution offered by Mr. Crook, in respect to the rights of married women, that it is inexpedient to take up the subject at this time.

The President:

All in favor of approving this recommendation of the Executive Committee will say aye; opposed, no. (Carried.)

William H. Staake, of Pennsylvania:

The Executive Committee recommends the adoption of the plans suggested in the resolution offered by Mr. Ingersoll for the publication of a digest of corporation laws, etc.

The President:

All in favor of approving this recommendation of the Executive Committee will say aye; opposed, no. (Carried.)

William H. Staake, of Pennsylvania:

The Executive Committee recommends the adoption of the resolution referred to the committee, which was offered by Mr. McDougal, without the preamble.

The President:

All in favor of approving the recommendation of the Executive Committee in this respect will say aye; opposed, no. (Carried.)

William H. Staake, of Pennsylvania:

The Executive Committee recommends that when the conference adjourns, it be subject to the call of the Chair.

The President:

All in favor of approving the recommendation of the Executive Committee, will say aye; opposed, no. (Carried.)


J. R. Thornton, of Louisiana:

There is a matter that I wish to call the attention of the Conference to before we finally adjourn in order to ascertain

what is the opinion of the Commissioners on the subject. Quite recently my attention has been called to two proposed joint resolutions offered in the house of representatives—one by Mr. Norris, of Nebraska, and the other by Mr. Sheppard—in reference to the subject of divorce. The first proposes that for the purpose of securing a uniform law on marriage and divorce throughout the Union, the President be requested to ask the Governors of the different states to send representatives to a congress of delegates for the purpose of formulating a uniform law on marriage and divorce, to be submitted to the legislatures of the different states. The proposed congress is to be held in the House of Representatives in Washington, and \$200,000 is to be appropriated for its expenses. Mr. Sheppard's resolution provides for a conference composed of Governors and Attorneys-General of the states—also to be held in Washington—to formulate uniform laws on the subject of marriage and divorce, and \$100,000 is to be appropriated for the expenses.

It will be remembered that a national divorce congress assembled in Washington in 1906, at the invitation of the Governor of Pennsylvania, and at the expense of that state, \$10,000 having been appropriated for the purpose, at which representatives from all except two of the states were in attendance. This congress formulated a Uniform Divorce Act, which has met the approval of this Conference, and has been adopted by Delaware, New Jersey and Wisconsin, and, as I am informed by the Commissioners from Illinois, its provisions are substantially the law in that state.

So thoroughly aroused is the conscience of the country over the widely recognized evils incident to divergent, and, in some cases, lax divorce laws of the state, that it would seem to be opportune to call attention to the fact that the results of the labors of the National Divorce Congress of 1906, and of this Conferencé in the form of a carefully drafted act, stands ready to hand, and provides the only remedy, recognized by those who have given study to the subject, for the evils arising from lack of uniformity in and lack of divorce laws in the different states.



With the impetus given the movement for uniformity on this subject by the recently awakened popular interest, coupled with an incidental demand for the application of the only obvious remedy, it may be that the co-operation of the legislatures of the additional states will be eventually secured to accomplish the end in view.

I would like an expression of the sentiment of the Conference on this subject. My idea would be to communicate with the Conference immediately, through the President, so as to present such views as the Conference may desire to have submitted. Of course, I recognize the fact that as a Senator of the United States, I must be governed by my obligations as a Senator and not by my obligations as a member of this Conference. I wish however, to work in harmony with the Commissioners here, but as I happen to be the only member of the Congress who also has the honor of being a member of this Conference, I have thought it proper to bring this matter to your attention.

W. O. Hart, of Louisiana:

In connection with the remarks made by Senator Thornton, I desire to offer this preamble and resolution:

The Conference of Commissioners on Uniform State Laws, having been advised of the introduction into Congress of two joint resolutions—one known as House Resolution No. 154, providing for a congress of delegates for the purpose of submitting a uniform law on marriage and divorce to the different state legislatures, and the other known as a joint resolution for a conference of Governors and Attorneys-General, to meet at Washington, on the subject of a uniform marriage and divorce law—and inasmuch as a draft of a uniform law on the subject of divorce has already been formulated by the National Divorce Congress, called at the invitation of the Governor of Pennsylvania, by virtue of the resolution of the legislature of that state, which draft has been approved by this Conference; and inasmuch as a draft of an Act relating to marriage and license to marry has been drafted by this Conference, and both the Uniform Divorce Act and the Uniform Marriage Act have been recommended for adoption to the various states, and the Uniform Divorce Act has already become the law of the states of Delaware, New Jersey and Wisconsin,

Now, Therefore, this Conference deems it inadvisable and unnecessary that any new congress upon the subject of marriage and divorce should be called; and,

Resolved, Further, That the President of this Conference be and he is hereby authorized to appear in person or through a committee, at any time before either or both of the Houses of Congress in opposition to such resolutions should they reach the stage when in his opinion opposition should be made.

The resolutions were seconded.

The President:

Is there any discussion?

If not, all in favor of the motion to adopt these resolutions will say aye; opposed, no. (Carried.)

The resolutions are adopted.

W. M. Crook, of Texas:

I move that the thanks of this Conference be extended to the Massachusetts Bar Association; the University Club; the management of the Hotel Vendome; the Massachusetts Institute of Technology, and to all others, individuals or societies, who have aided in extending hospitality to the Commissioners.

The motion was seconded and carried.

Seneca M. Taylor, of Missouri.

I am informed that all copies of the Divorce Act have been distributed, and I would like to suggest that the Executive Committee order a thousand more printed for distribution.

William H. Staake, of Pennsylvania:

I think I have quite a number of copies in my chambers at Philadelphia.

The President:

Suppose it is understood that the Executive Committee have power to print more copies if they find that more copies are needed.

Seneca M. Taylor, of Missouri:

That will be satisfactory.

The President:

Then, unless objection is made, it is understood that the Executive Committee have such authority.

Charles Monroe, of California:

I hope the Executive Committee will see that copies are distributed so that they get before the various legislatures. Very few legislatures will meet next winter, and if these copies are sent out now the chances are that they will have to be sent out again next year.

The President:

The Executive Committee will bear in mind the suggestion made by Judge Monroe and act as their judgment dictates in the premises.

Charles Thaddeus Terry, of New York:

It becomes my duty to transmit to the Conference a communication, signed by James M. Olmstead, Referee in Bankruptcy, District of Massachusetts, received by me since we began our session.

The President:

The communication may be received, and is referred to the Executive Committee.

Is there further business to come before the Conference?

John C. Richberg, of Illinois:

I move that the Conference now adjourn, subject to the call of the Chair.

Amasa M. Eaton, of Rhode Island:

I second the motion.

The President:

Before putting the question I wish to express to the members

of the Conference my sincere appreciation of the courtesy shown me during the meeting.

All in favor of the motion that the Conference do now adjourn, subject to the call of the Chair, will signify it by saying aye; opposed, no. (Carried.)

CHARLES THADDEUS TERRY,
Secretary.

PRESIDENT'S ADDRESS

BY

WALTER GEORGE SMITH.

PROGRESS OF UNIFORM LEGISLATION.

The year 1911 was marked by sessions of the legislatures in thirty-nine of the states and at least one of the dependencies. In all or the greater part of them effort was made by the Commissioners to secure the passage of the Uniform Acts not already on the statute books. In eighteen of the legislatures partial success was achieved, and in two others the Commissioners were recognized by appropriations, though no Uniform Acts were passed. The report of the Executive Committee and of the Secretary will give full details.

It will be seen that our progress has been encouraging, but we are still hampered by lack of means to carry on our work. A few hundreds of dollars of appropriations, by the states that now contribute nothing to our treasury, would enable us to accomplish much greater results. Gradually, it may be hoped all of the states will provide for the expenses of their Commissioners, and for a proportionate part of those of the Conference. The burden is now borne by but a few, while too many of our Commissioners are required not only to give their time, which is willingly given by us all, but to add thereto their travelling and hotel expenses in connection with session and committee work.

In two states uniform bills have been vetoed after passing the legislature.

The Governor of California disapproved of the Negotiable Instruments Act because he objected to Section 87, which provides that:

“Where the instrument is made payable at a bank, it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.”

Under this section he says:

"A promissory note made payable at a bank would operate as a check upon the funds in the bank of the maker of the note. This provision I believe to be vicious and dangerous, and I do not think the sponsors of the act, at least in our state, would wish this to become California law. Aside from the inconvenience that would result for such a course, valid defences to a promissory note might be rendered nugatory and general confusion arise in the matter of bank accounts."

The Governor also raised objections to the section defining a sum certain, arguing that it might seriously interfere with the terms of a promissory note that had become familiar in that state.

Obviously, the line of reasoning adopted by the Governor of California, if followed in other states, would make uniformity impossible, as every state must be ready to yield something of its own local law for the advantage to be obtained in having a law that will be national in its scope. It has happened occasionally, and will doubtless happen again, that uniformity in minor particulars will have to be sacrificed in order to secure the adoption of the Acts recommended by the Conference in their essential features, and it is hoped that in the case of California, even at the sacrifice of uniformity of the sections objected to by the Governor, the Act may eventually be passed.

In New York the Governor vetoed the Transfers of Stock Act, with the memorandum:

"I am not satisfied that the proposed amendment is wise or prudent. No necessity for this bill has been shown, and for that reason I disapprove it."

It is, of course, to be regretted that the arguments that satisfied the Commissioners of the necessity for a uniform law on this subject were not deemed conclusive by the Governor.

In Illinois a proviso is added to Section 10 of the Bills of Lading Act, requiring blank forms to be attached for written objections on the part of the consignors. The full text of the

section and proviso, also a change in Section 48, will appear in a foot-note.¹

Opposition from certain quarters to that section of the Bills of Lading Act defining value, and the same section in the Sales of Goods Act, and also the section providing for the general rule of interpretation of the Act, resulted in these sections being stricken out by the legislature of New York. The Acts thus changed have been approved. In my address last year, and much more at length in the reports of the Committee on Commercial Law for several years past, the definition of value has been very fully discussed, and the fact that the State of New York has adhered to its provincial rule on this subject must be accepted with equanimity, and with the hope that in the future the legislature may see its way clear to bring that state into line with the prevailing current of opinion. As with all reforms of the law and legal procedure, the changes brought about by the Commercial Acts are viewed with alarm by ultra-conservative minds,

¹ Section 10. Acceptance of Bill Indicates Assent to its Terms.—Except as otherwise provided in this act, where a consignor receives a bill and makes no objection to its terms or conditions at the time he receives it, neither the consignor nor any person who accepts delivery of the goods, nor any person who seeks to enforce any provision of the bill, shall be allowed to deny that he is bound by such terms and conditions, so far as they are not contrary to law or public policy.

“Provided any objection to the lawful terms and conditions of said bill shall be made in writing, which only need state the mere fact of such objection by the consignor within three hours after receiving said bill, and all such bills shall have attached to the same a blank form for such objection. Thereupon it shall be the duty of the officer, agent, or servant of the carrier to take up said bill of lading so objected to and, upon request of such officer, agent or servant, it shall be the duty of the consignor to surrender such bill of lading and, thereupon, such officer, agent or servant shall issue an unconditional bill, under which consignor shall pay lawful freight rate.”

The change in Section 48 provides that the fact of the goods not being in the possession or control of the carrier must be endorsed on the bill of lading.

but it is safe to say that in no one of the states that have enacted these or any of the Acts have the apprehensions of increased litigation been borne out.

The Sales of Goods Act was further amended in New York by fixing the statute of frauds limitation at fifty dollars instead of five hundred dollars, and the general rule for the interpretation of the Act was omitted.

PROPOSED AMENDMENTS TO BILLS OF LADING AND STOCK TRANSFER ACTS.

It will be remembered that it was sought at the last session of the American Bar Association² to amend the Bills of Lading Act and the Stock Transfer Act by providing a statute of limitations in the one case of one year, and in the other of three years, upon the bonds required under Section 17 of each Act where bills of lading or certificates of stock had been lost. The mover of the resolution said in the course of his remarks that he sought to cure what he considered an omission in the statutes. Both of them provide for compulsory process to compel the carrier in the one case to deliver goods where it is claimed that the original negotiable bill of lading had been lost or destroyed, and in the other to compel a corporation to issue a share of stock where it is claimed that the certificate of the original negotiable share had been lost or destroyed. On the application of the carrier or of the corporation, the courts may provide that a bond shall be given in each case. It was argued that there should be a uniform limitation as to the length of time the liability of the carrier or liability of the corporation shall exist on such a bond for indemnity against a lost or destroyed paper.

No doubt the Committee on Commercial Law will make its report indicating the reasons why the proposed amendment should not be made. As has been well said, the statutes do not change the existing law in relation to limitations on bonds of this description, but leave it as it exists in the different states. Since the subject has been broached, however, I recommend that it be

² Rep. Am. Bar Ass'n, 1910, p. 18.

referred to the Executive Committee or to a special committee, as the Conference may deem best, to consider whether or not it would be a wise thing to undertake the draft of a uniform law governing the limitation of actions of this nature. This, I believe, is the opinion of the Committee on Commercial Law, and while it may be a difficult subject or perhaps impossible of a satisfactory solution, in my judgment, it would be wise to give it special consideration, and I recommend it accordingly.

JUDICIAL DECISIONS.

Decisions involving the interpretation and application of various sections of the Uniform Acts have been reported from a number of states, to which brief reference may be made.

NEGOTIABLE INSTRUMENTS LAW.

Since the last Conference of Commissioners, held in August, 1910, there have been in the State of New York altogether some twenty-one reported decisions citing the Negotiable Instruments Act. (Consolidated Laws, Chap. 38.)^{*}

In two cases uniformity of state legislation is discussed. In one[†] Laughlin, J., after discussing the general rule in other jurisdictions and citing cases in New Jersey and Massachusetts, said:

“It is important that the law with respect to negotiable instruments should be uniform throughout the country, and, if possible, throughout the business world. Any doubt, therefore, that has arisen on the question based on dicta in opinions written long ago, should be removed by a definite ruling.”

and proceeded to disregard the dicta and make his decision conform to those of the courts from whose opinions he had quoted.

In the other of the two cases[‡] Miller, J., discussing Sections 51 and 52 of the law, says that these sections modified the old rule for the sake of securing uniformity with the rule prevailing in the Federal Courts, and in many of the states.

^{*} Commissioner Charles Thaddeus Terry.

[†] Van Vliet *vs.* Kanter, 139 App. Div. 603.

[‡] King *vs.* Bowling Green Trust Co., 129 N. Y. Supp. 977.

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In another case the court refused to overrule a New York decision in order to adopt the rule of the United States, Wisconsin and Massachusetts Courts, on the question of the bona fides of the purchaser of a note who takes it with knowledge that the interest on it is past due. Section 176 is cited⁸ for the proposition that the non-receipt by an endorser of a notice of dishonor, duly mailed, does not exonerate the endorser.

The definition of a holder in due course (Sec. 91), does not change the common law rule.⁹

Sections 36, 130 and 146, regulating the computation of interest and time when a demand note is due, and when demand is necessary to hold a maker, are interpreted in another case.¹⁰ The court follows the Massachusetts and New Jersey rule and holds that interest runs from the date of demand or of service of the summons only.

Sections 27 and 98, to the effect that bonds not payable to order or to bearer are not negotiable, and that where fraud was shown in the inception of the bonds, the burden was on the holder to prove that he took them in good faith, are interpreted.¹¹

Under Section 324, if the holder of a check procures its certification, the drawer or all intermediate indorsers are thereby discharged from liability.¹²

In a case where the plaintiff signed his name to a blank check under circumstances showing no negligence on his part, and the check was stolen and the blanks filled in, and it was transferred for value to the defendant who collected the amount thereof from the bank, the court cites Section 34, and cases in Michigan and England, to support the view that the defendant never acquired any title to the check, since there was no delivery of it, and gives judgment for the plaintiff. The dissenting opinion says that delivery is conclusively presumed (Sec. 35) since the defendant

⁸ *Union Bank of Brooklyn vs. Deshel*, 139 App. Div. 217.

⁹ *Citizens Savings Bank vs. Couse*, 68 Misc. 153.

¹⁰ *Van Vliet vs. Kanter*, 139 App. Div. 603.

¹¹ *Midwood Park Co. vs. Baker*, 128 N. Y. Supp. 95.

¹² *Gallo vs. Brooklyn Savings Bank*, 199 N. Y., 222.

is a holder in due course (Sec. 91), and that therefore Section 34 does not apply, and consequently defendant got a good title.

Other cases interpreting various sections of the Act are given in a foot note.¹¹

In Missouri the Appellate Courts consist of one Supreme Court, which in ordinary commercial cases has jurisdiction when the amount in dispute exceeds \$7500, and three Courts of Appeal known respectively as the St. Louis Court of Appeals, the Kansas City Court of Appeals, and the Springfield Court of Appeals, which have appellate jurisdiction where the amount in dispute does not exceed \$7500. In order to avoid the mischief that might arise from conflicting decisions, questions may be certified to the Supreme Court where there is a dissent by one of the judges of the Court of Appeals and he certifies that his opinion is in conflict with some prior decision of the Supreme Court. With this explanation attention is called to the following cases:¹²

Interpreting Sections 52 and 59 of the Negotiable Instruments Law showing that the burden of evidence is cast upon the plaintiff to prove that he took acceptances in good faith and for value from the party to whom they were executed where the consideration was fraudulent. In this case it was held that the

¹¹ *Equitable Trust Co. vs. Newman* (Sec. 22) 69 Misc. 494.

Horan vs. Mason (Sec. 97) 144 App. Div. 89.

Ferguson vs. Netter (Sec. 50) 126 N. Y. Supp. 107.

Eisenberg vs. Lefkowitz (Secs. 95 and 96) 142 App. Div. 569.

Klotz vs. Silver (Sec. 134) 127 N. Y. Supp. 1090.

Gilpin vs. Savage (Secs. 116, 130, 132, 133) 201 N. Y. 167.

Brown vs. Janes (Sec. 79) 71 Misc. 316.

Ryan vs. Sullivan (Secs. 20, 320, 50) 128 N. Y. Supp. 632.

Zaloom vs. Ganim (Secs. 321, 322) 129 N. Y. Supp. 85.

Equitable Trust Co. of N. Y. vs. Lyons (Sec. 33) 129 N. Y. Supp. 79.

Kennedy vs. Spilka (Secs 98, 94, 95) 129 N. Y. Supp. 390.

Bender vs. Bahr Trucking Co. (Sec. 114) 129 N. Y. Supp. 737.

Hilborn vs. Pennsylvania Cement Co. (Secs. 20, 27) 129 N. Y. Supp. 957.

Union Trust Co. of N. J. vs. McCrum (Sec. 201) New York Law Journal, June 29, 1911.

¹² From Commissioner Seneca N. Taylor.

weight of the evidence and credibility of the witnesses must stand or fall by the determination of the jury, and as their verdict had the approval of the trial court, the finding for the defendant would not be disturbed on appeal."

Another decision on the same Act holds that where the payee of a note before its maturity delivers it to a third person in payment of an indebtedness from such payee to such third person, and the latter, without any knowledge of any infirmities thereon, accepts it, not as security, but as payment of such indebtedness of such payee, such third person takes it free of any equities existing as between the maker and payee of said note, and it is immaterial whether or not the maker of the note received any consideration for the execution thereof.

If proof is made that a note originated in fraud, the holder must show that he purchased it before due, in good faith for value. If such proof is made, the maker must then show that the holder had actual notice of its infirmities. Knowledge of facts putting one on inquiry or mere suspicion will not do; there must be actual notice."

The payee of a note, and not one who claims to have possession of it as agent of the payee, is the "holder" within the meaning of Section 30 of the Negotiable Instruments Law, which provides that an instrument payable to order is negotiated by the indorsement of the holder completed by delivery."

The payment of a check or bill of exchange by the drawee is equivalent to its "acceptance" under Section 188, which provides that where the holder of a check procures it to be accepted or certified, the drawer and all endorsers are discharged from liability thereon.

Under the Sections 62, 185 and 188 of the Negotiable Instruments Law, a drawee who pays to a bona fide holder of a check, to which the drawer's name has been forged, the amount of the same, cannot recover such amount from the holder, the latter not being bound to determine at his peril that the drawer's signature

²² *Johnson County Savings Bank vs. Mills*, 143 Mo. App. 265. See also *Hill vs Dillon*, 151 Mo. App. 86.

²³ *Reeves, et al. vs. Letts*, 143 Mo. App. 196.

²⁴ *Scotland &c. Bank vs. Hohn*, 146 Mo. App. 699.

was forged, and the genuineness of that signature being vouched for by the drawee when he cashed the check.

The endorsement and presentation of a check by the holder and its payment by the drawee do not constitute a negotiation of the check, but constitute a payment.¹⁶

The question as to what constitutes accommodation endorsers and what joint makers is discussed in another case.¹⁷

The plaintiff in an action on a negotiable bill, being the payee named in the bill and in possession of it at the trial, is *prima facie* the owner.¹⁸

If one who is neither a payee in the note nor the endorsee thereof, signs his name on the back before delivery, he becomes *prima facie* a co-maker and not an endorser.¹⁹

Other cases in this state deal with the right of a surviving partner to assign a note belonging to the partnership;²⁰ the liability of a joint maker and her collateral deposited to secure the note;²¹ the inadmissability of parol evidence to vary a written instrument;²² and the effect of partial payments to preclude the defence that the note was obtained through duress.^{23 24}

In Kansas it was held that a waiver of presentment for payment, notice of payment, protest, notice of protest, and all exemption, each signer and endorser making the other an agent to extend the time of the note, destroy the negotiability of the paper.²⁵ The court followed a previous case in the same state.²⁶ The decision construes Sections 8 and 11 of the Negotiable Instruments Act in accordance with decisions in other states.

¹⁶ Nat'l Bank of Commerce &c. *vs.* Mechanics etc. Bank *et al.*, 148 Mo. App. 1.

¹⁷ Dorris *vs.* Cronan *et al.*, 149 Mo. App., 147.

¹⁸ Prybil *vs.* Altemeyer, 133 S. W. Rep.

¹⁹ Heaton *vs.* Dickson, 133 S. W. Rep., 159; see also Hackley State Bank *vs.* Magee *et al.*, Supreme Ct. of La.

²⁰ Millbank-Scampton Milling Co. *vs.* Packwood, 133 S. W. Rep., 667.

²¹ Birch Tree State Bank *vs.* Brown *et al.*, 133 S. W. Rep. 860.

²² Nat'l Live Stock Com. Co. *vs.* Thero, 135 S. W. Rep. 961.

²³ Bushnell *vs.* Loomis, 137 S. W. Rep., 257.

²⁴ From Commissioner C. W. Smith.

²⁵ Rossville State Bank *vs.* Heslet, 84 Kan. 315.

²⁶ Bank *vs.* Gunter, 67 Kan. 227.

A material alteration in a promissory note may be ratified by an interested party to it, no new consideration being necessary to support the contract of ratification. This case was decided under Section 131 of the Negotiable Instruments Act.*

In holding that certain language providing for increase of collateral security destroyed the negotiability of a note, the Supreme Court of Kansas, discussing the subject of uniformity, says:

"Actual uniformity in the law of negotiable instruments will remain a dream more or less iridescent; substantial uniformity is all that can be hoped for."†

It has been held in Connecticut that the Negotiable Instruments Act is in harmony with the common law in enacting that

"Every holder is deemed *prima facie* to be a holder in due course, but when it is shown that the title of any person who has negotiated a transaction is defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as a holder in due course."‡

In Washington the following decisions on the Negotiable Instruments Law have been rendered: §

Where a check was drawn by a person for whom a contractor was erecting a building, payable to the order of the contractor, on which was the memorandum "on contract" and endorsed by the contractor to a material man, from whom he procured materials for several different contracts, it was held that it was not received by the endorsee as a check received in due course, since the words "on contract" called attention to the equities between drawer and drawee, and cannot be applied by the endorsee on any other account against the contractor than that concerning the building in question.¶

A note in form negotiable, but which is followed by a memorandum stating an agreement that the makers will raise grain

* *Holyfield vs. Harrington*, 84 Kan. 750.

† *Bank vs. Hoffman*, 85 Kan. 71.

‡ *Parsons vs. Utica Mfg. Co.*, 82 Conn. 333-6.

§ From Commissioner C. E. Shepard.

¶ *Hughes & Co. vs. Flint*, 19 Wash. Dec., 246.

on certain parcels of land and deliver the grain to the payee for sale, and credit on the note, and making other provisions as to applying the proceeds of the grain on the note and securing the note by a mortgage, is not a negotiable instrument under Section 1 of the Negotiable Instruments Law, and therefore is not made usurious by a transaction which would be usurious in case of a negotiable instrument."

A purchaser, in good faith and for value, of a note after its maturity from a party who received it before maturity in good faith and held it as collateral, is a holder in due course under Section 52 of the Negotiable Instruments Law, and has the rights of such as against the maker, as between whom and the payee the consideration of the note had totally failed after execution and transfer as collateral security to the first holder."

Where a check was drawn by a depositor on a private bank in a small village where there was no other bank or agency for collection of checks and drafts, and was delivered to the drawer's creditor which deposited it to its own credit in its own depository bank, and said bank forwarded the check for collection to the drawee, the drawee held it some days without report to the forwarding bank or entering it on its books as paid, and then failed. Held that the bank was not negligent in forwarding the check to the drawee for collection, and the drawer, not the payee, must suffer the loss."

If the endorsee (here a bank), for value, before maturity of a note which shows no defect on its face, but was open to a valid defence between the maker and the payee, did not have actual knowledge of the infirmity or defect at the time of acquiring the note, or knowledge of such facts that the action in taking the instrument amounted to bad faith, it would so far as that question is concerned be a holder in good faith under Sections 52, 55 and 56 of the Negotiable Instruments Law."

* *Thomson vs. Koch*, 20 Wash. Dec. 172.

* *Moyes vs. Bell*, 20 Wash. Dec. 243.

* *Morris-Mills Co. vs. Von Pressentin*, 21 Wash. Dec. 25.

* *Scandinavian American Bank vs. Johnston*, 21 Wash. Dec. 107.

When a bank makes a mistake in paying a check, which in reality overdraws the account, but is supposed at the time of payment not to do so, the loss is the bank's and not the payee's presenting the check for payment, even though the bank for accommodation of the payee pays the check after banking hours, and if he had waited until the next day and presented the check then the accounts would have been posted and overdraft made obvious by that time."

From Commissioner Charles E. Shepard, of Idaho, I have been furnished with references to a number of decisions in relation to the Negotiable Instruments Law but without any syllabus, and will content myself with referring to them merely in a foot note."²

¹ *Spokane & Eastern Trust Co. vs. Huff*, 21 Wash. Dec. 135.

² *Smith vs. Field*, 114 Pac. 668, and the following cases taken from Idaho Citator as having reference to the subjoined sections of the Revised Codes of Idaho, which sections contain the Uniform Negotiable Instruments Law. The citations here following being to sections of Revised Codes of Idaho, volume of Idaho reports and the corresponding volume and page in the Pacific Reporter:

3458: 14 Ida. 92; 93 Pac. 510.

3459: Subd. 5: 109 Pac. 137; 18 Ida. 220.

3473a7: 108 Pac. 909; 18 Ida. 145.

3508: 16 Ida. 705; 112 Pac. 766.

3509: 14 Ida. 93; 93 Pac. 510; 112 Pac. 526.

3513: 12 Pac. 527.

3515: 102 Pac. 394; 16 Ida. 706.

3516: 12 Pac. 526, 527.

3520: 16 Ida. 734.

3539: Sec. 82: 16 Ida. 735; 102 Pac. 687.

3566: Sec. 109; 16 Ida. 735; 102 Pac. 687.

3568: Sec. 111, 16 Ida. 735; 102 Pac. 687.

3583: 98 Pac. 201; 15 Ida. 378.

3634: 93 Pac. 783.

3641: 93 Pac. 510.

3648: 102 Pac. 394; 16 Ida. 705; 112 Pac. 766.

3654: 97 Pac. 463.

³ From Commissioner James E. Babb.

WAREHOUSE RECEIPTS ACT.

An interesting decision has been rendered by the United States Court of Appeals for the Third Circuit, defining the status of distillery warehouse receipts given for whiskey in bond. In the one case, whiskey in a distillery warehouse had been pledged for a loan to a bank, and in the other the whiskey was sold, delivery being made by the receipts with the gauger's certificate attached thereto. In both cases before the whiskey had been removed from the distillery warehouse, bankruptcy had ensued and the trustee of the distillery company refused to surrender the goods. In passing upon the questions involved the court referred to the statute of Pennsylvania of September 24, 1866 (Pur. Dig. Vol. 1, p. 393) which had been superseded by the Warehouse Receipts Act, but which provided that receipts given for goods, wares and merchandise * * * stored or deposited with any warehouseman, wharfinger, or other person in this state, shall be negotiable and may be transferred by endorsement * * * and any person to whom said receipts * * * may be so transferred shall be deemed and taken to be the owner of the goods * * * therein specified. The Court remarks:

"It is plain that these provisions of the statute have to do with ordinary bailments, with public warehousemen or other persons receiving goods in custody from another as a matter of business, and giving receipts therefor. If this statute accomplishes anything, it is to render certain the legal character and negotiability of such warehouse receipts as it described, and to enforce the performance of the duties undertaken by the warehouseman. The statute does not authorize a man to become his own bailee, or his own warehouseman, and the courts have frowned upon any attempt to allow him to assume that position. (*Security Warehousing Co. vs. Hand*, 206 U.S. 415.) * * * There is no voluntary act of bailment on the part of the distiller or contractual relations assumed by the officers designated to secure the revenue tax due to the government. The relation between the distiller and the officers of the government in custody of his whiskey, is *sui generis*. It is prescribed by law and is not contractual, but a situation is thereby created as above described, which in our opinion brings both of the cases before us within what we think is the well settled rule of law in Pennsylvania,

permitting under certain circumstances a valid sale of personal property as against creditors to be made in the absence of a physical delivery of the property sold."

The court therefore held that the trustee's right to the whiskey was not superior to that of the Appellees who were bona fide holders for value."

In Maryland the Warehouse Receipts Act containing different penalties for the offense of issuing a duplicate or additional negotiable receipt for the goods was held to be inconsistent with the previous penal statutes on the same subject, and was interpreted as being a substitute for it, although it contained no express words to that effect. Accordingly a demurrer to an indictment brought under the former statute was sustained. It was further held that, by reason of the repeal of the old law, no penalty could be enforced nor punishment imposed for its violation when in force since there was no saving clause in the repealing statute."

An important piece of legislation ancillary to the Warehouse Receipts Act was passed in Pennsylvania to prevent the issuing or transfer by any person other than a warehouseman or person controlling a place for storing goods of any paper in the similitude of a warehouse receipt and prescribing punishment therefor."

CRITICISMS OF NEGOTIABLE INSTRUMENTS LAW.

The Negotiable Instruments Act, with a special reference to certain of its provisions, has been the subject of criticism in a series of articles not yet completed by an able writer in one of the legal periodicals."¹ A careful reading of these articles, while it will show defects in certain sections of the Act, will leave the reader impressed with the strength of a statute that has withstood so merciless a scrutiny and has exhibited so few defects. 1

¹ *Taney, Trustee, vs. Penn Nat'l Bank of Reading; Boarts, Trustee, vs. J. M. Selden & Co.*, Nos. 5 & 54, March T. 1911, U. S. Ct. of App. 3rd Circuit.

² *State vs. Gambrill*, Ct. of App., Balto. Daily Record, April 27, 1911.

³ Act of June 27, 1911, P. L. No. 276.

⁴ University of Pennsylvania Law Review, April and May, 1911, Prof. Crawford D. Hening criticism of Sects. 14, 27, 55, 56, 57, 62, 63, 64, 119, 120.

do not feel that it would serve any good purpose to take up the criticisms of what are deemed the vulnerable sections of this statute. Some of them have already been the subject of attack and defence in the past by jurists of the highest eminence. Undoubtedly close study has shown that defects in this first of the great Uniform Acts for which the Conference is responsible, have been developed. They show partly an error in judgment in ascertaining what was the weight of authority, and in another aspect their language has been not sufficiently lucid to prevent a diversity of interpretation in a few of the appellate courts.

The articles referred to are interesting for another reason, and that is because they show a similarity of thought which at points becomes identical on the part of the competent students who believe that the National Conference of Commissioners is engaged in a futile effort, or at least has passed the legitimate bounds of topical codification. The name of Bentham is constantly held *in terrorem* above the heads of any adventurous lawyer or legislator who would seek to aid the upward progress of the law from a tangle of inconsistencies to a clear statement easily understood by men of average intelligence irrespective of technical training.*

There has been so much learning and literary skill expended in the attack and defence of the principle of codification, and the issue has been so obscured by an almost inexplicable partisanship and personal prejudice towards Bentham and his school, that one who desires to accomplish practical results would do well to touch very lightly on the subject at all. Certainly this Conference has not shown any decided tendency towards iconoclasm, and notwithstanding the few instances in which some new principle has been embodied in our acts, we have deviated but little from the chart drawn by the American Bar Association in 1886.

INTERNATIONAL BILLS OF EXCHANGE.

During the year 1908 the Minister of Foreign Affairs of the Kingdom of the Netherlands issued a circular letter to the gov-

* See Columbia Law Review Feb'y, 1910, p. 118.

ernments of all countries, informing them that the German and Italian governments had proposed to the Netherlands to take the initiative in a diplomatic Conference to meet at The Hague for the purpose of drafting a scheme for the unification of the law of bills of exchange; that the Netherlands government, glad to be able to contribute towards the realization of this reform, had hastened to accept their proposal and would deem it an honor to receive the delegates of the powers at a conference at the time proposed, the date to be subsequently fixed. This invitation was accepted by the principal powers and the Conference assembled at The Hague on the 23d of June and sat until the 25th of July, 1910. Thirty-eight nations were represented and a draft of a uniform code was prepared and assented to by all of the representatives excepting those of Great Britain and the United States. The attitude of Great Britain was expressed by one of her representatives as follows:

“However, it is our duty again to affirm that it is impossible for our Government to go further or to depart from the attitude which it has taken from the beginning of this Conference. It is no question of national pride or obstinacy which has given rise to this attitude, but the necessity of safeguarding the interests of our mercantile community. A law which governs more than 120,000,000 people—including the United Kingdom, the British colonies, and most of the states of the United States of America—without counting the vast population of the Indian Empire—cannot be modified without disturbing long-settled commercial relations, and without creating divergencies in legislation among the members of the Anglo-Saxon family.

“It is possible that among the rules of English law there are some which are antiquated and inconvenient, but in its main lines our law does but incorporate the usages of our commerce. It is not an arbitrary law imposed by the legislature on the commercial community; the legislature has but given the sanction of law to the usages of our commerce and trade, and in modifying that law we should upset long established customs. There are other reasons in the domain of law which raise equal difficulties. We have no separate *droit de change*. We have no tribunals of commerce. We draw no distinction between traders and non-traders. Our commercial law is an integral part of our common law, and it is the ordinary civil courts which give

effect to its provisions in the same manner as they give effect to ordinary debts and obligations," "

And the delegate of the United States, the Honorable Charles A. Conant, in taking a similar attitude, said:

"In many particulars the provisions of the project follow those of the laws of Great Britain and of the United States, which took the initiative many years ago in seeking to bring about uniformity on this subject among several other colonies and states. In providing for the abolition of days of grace and for the extension of the time within which protest may be made, you have accepted two reforms which will be eminently acceptable to American bankers.

"In accordance with my statement at the beginning of our meetings, there is great reluctance in America to undo the long and arduous work which has brought about uniformity in thirty-five American states, four territories, and in Great Britain and her dependencies. The scope and policy of American laws differ in some respects from the systems of the countries of the continent. We have no code of commerce distinct from the common law, we recognize no distinction between merchants and others who draw bills or sign notes, and we have no separate tribunals for dealing with commercial cases. Under these conditions our difficulties would be greater, if we should undertake to adopt a uniform law, than in countries where a long succession of laws and usages are based upon the existence of a special commercial code.

"How great have been these difficulties, in framing the project of the uniform law, is indicated by the fact that, in spite of the great skill of your distinguished 'rapporteurs,' they were compelled to leave no less than twenty-three points in the various articles to be governed by national legislation and practice, or by the ordinary rules of the civil law." "

The results of the conference are set forth in the inaugural address of the President of the Institute of Bankers, of England, Frederick Huth Jackson, Esq. In a brief and admirable statement, he says:

"The draft Uniform Law applies only to bills of exchange and promissory notes payable to order. It has no application to

"Correspondence relating to the Conference on Bills of Exchange at The Hague, June, 1910, presented to Parliament October, 1910, p. 28.

"*Ibid*, p. 29.


promissory notes payable to bearer, or to cheques on a banker. It is proposed that the nations who accept the Uniform Law should adopt it by convention—that is to say, that it must be adopted in its entirety, without addition, derogation or alteration, except so far as certain points are by the law itself left open to national legislation. The contracting parties are as far as possible to adhere to the convention for their colonies, as well as for their own territories.

“The draft Uniform Law is not yet in its final form. It is to be submitted for observations to each government which took part in the Conference, and is to be finally settled in a second Conference which, it is suggested, should be held at The Hague in September, 1911. At this Conference the question of cheques is also to be considered.

“On the whole, the draft Uniform Law approaches the English law rather more nearly than any existing Continental code. With qualifications, it allows bills to bearer. It does not require a bill or an endorsement to specify the value received. It gives full effect to endorsements in blank. It allows an acceptance by simple signature on the face of the bill. It allows a bill payable at or after sight to be made payable with interest. It adopts the English rule that when a bill is dishonored by non-acceptance, the holder has an immediate right of recourse against the drawer or endorsers. It recognizes, under limitations, the right of the drawer and endorsers of a dishonored bill to more or less prompt notice of dishonor. It gives some effect to *vis major* as excusing the performance of the holder's duties. But, quite apart from any questions of form, the divergencies between the Uniform Law and English law are numerous, and in some cases of far-reaching importance.”

The Conference will be specially interested in this subject as it shows that the desire for uniformity in commercial matters has spread beyond the borders of any one country, and although the project of a commercial law, uniform among all the nations of the world, is not at present attainable, the prospect of uniformity among the nations other than those of the Anglo-Saxon family and a close approach on many subjects to uniformity substantially existing in that family of nations, is significant and gratifying. The conclusions reached by Mr. Conant and by

“Journal of the Institute of Bankers, London, December, 1910, p. 573.



the British delegates were the same as those that our Committee on Commercial Law expressed to Mr. Conant in response to his request for an expression of opinion both before and after The Hague Conference.^{47 48}

INSURANCE.

Efforts have been made from time to time to bring about some mitigation of the hardships to which insurance companies are now subject in carrying on their business in the different states. In a letter to Honorable Seth Low, President of the National Civic Federation, under date of January 12, 1910, Mr. George F. Seward, President of the Fidelity and Casualty Company, gives a resumé of the difficulties under which this important business labors in view of the oft-repeated decisions of the Supreme Court of the United States that insurance is not commerce. He says:

"Without criticising the decisions, one may say with truth and with great force that by throwing out insurance as commerce and denying to interstate insurance practically all of the safeguards of the constitution, insurance has been left, so to speak, to the mercy of the winds and of the waves."

He shows that, while it is the right of any individual to make contracts with any other individual, and that a corporation in this respect has the same rights as an individual,

"As a matter of fact the states have frequently undertaken to formulate the terms of insurance contracts, thus depriving the companies and the individuals with whom they are dealing of the natural right to determine the conditions of their own contract. * * * As insurance is carried on only by private corporations, as the money of stockholders is put at hazard in the business, as there is no subvention or guarantee given by the state, as there is no use of private property accorded by the state, as there is no element of what is known as public service in the business, the right of the state to make insurance rates is difficult to perceive."

⁴⁷ See report of Mr. Conant, 61st Congress, 3rd Session, Senate, Document No. 768.

⁴⁸ See on this subject address of President Eaton, 1909, proceedings p. 58.

He then refers to the well known fact that if a company enters into other states than its own to carry on business, it must comply with as many different insurance codes as there are such states. He expresses "the profound conviction that the control of insurance, so far as all interstate operations are concerned, should be transferred to the general government; that there can be no hope of any considerable amelioration of the subject until such transfer is effected."

It seems that this Conference would be acting well within the scope of its duties if it would give active consideration to the drafting of a Uniform Act on the subject of insurance companies and the rules under which their business should be conducted. Mr. Seward's letter referred to the draft of a model law prepared in 1906 by a committee of the Casualty and Surety Underwriters for submission to Congress. With this and other similar assistance that no doubt would be gladly furnished from the proper sources, a uniform law could be drafted that might commend itself to a large proportion of the states. While in a number of instances bills have been drafted by committees without expert assistance, it would seem that the best results would be more probable of attainment if in all cases, whatever subjects similar to this are taken up, an expert should be employed.

My attention has been called to a bill for the Regulation and Control of Fraternal Benefit Societies adopted by the National Convention of Insurance Commissioners at Mobile, on September 28, 1910, and recommended for enactment to the legislatures of the various states. This is an indication that the hope of uniform insurance laws in at least some of the branches of the subject is not chimerical.

I recommend that the subject of a uniform law or laws regulating insurance in its various branches be referred to the Committee on Insurance, with instructions to consider and report whether it would be expedient for this Conference to undertake the preparation of any Acts upon this subject.

PURE MEDICINES.

In its report to the Conference for the year 1910 the Committee on Purity of Articles of Commerce recommended that this Conference "as it has previously done, urge that all states that have not done so enact laws upon this subject in conformity with the Federal Food and Drugs Act of June 30, 1906." Since then a decision has been rendered by the Supreme Court of the United States* that the Act does not cover false labelling of medicines as to curative effect or physiological action.

President Taft, in a special message to Congress, points out that up to the time of this decision the law had been received with general satisfaction and had been vigorously enforced, but since the decision there is a grave menace to the public health. Justly he says:

"There are none so credulous as sufferers from disease. The need is urgent for legislation which will prevent the raising of false hopes of speedy cures of serious ailments by misstatements of fact as to worthless mixtures, on which the sick will rely while their diseases progress unchecked. * * * Prior to the recent decision of the Supreme Court, the officers charged with the enforcement of the law regarded false and misleading statements concerning the curative value of nostrums as misbranding, and there was a general acquiescence in this view by the proprietors of the nostrums." "

The President adds an expression of the fear that "if no remedial legislation be granted at this session, the good which has already been accomplished in regard to these nostrums will be undone, and the people of the country will be deprived of a powerful safeguard against dangerous fraud."

No doubt Congress will act favorably upon the President's recommendation. Meantime I recommend that the committee of the Conference charged with the special subject of Purity of Articles of Commerce give its attention to the decision of the Supreme Court above referred to, with the view of recommending

* United States *vs.* Johnson, 221 U. S. 488.

" Messages June 21, 1911.

any amendatory legislation to the statutes of the states as in their judgment seems wise, whether the same be based upon the anticipated action of Congress or on some plan more far-reaching, if that be possible.

UNIFORM INHERITANCE TAX LEGISLATION.

The hardships and injustice arising from the divergent inheritance tax legislation in the various states, especially the State of New York, has aroused a feeling of anxiety among people who own property in the different states that is well founded. In a recent handbook of the statutes governing this subject²² it is stated:

"A survey of the situation in the United States is like a journey through a chaos, peopled by sovereign states, each, wolf-like, seeking some pretext to take for itself a bite out of every estate that comes along.

"Most of the Inheritance Tax legislation is new—the Acts in 19 states were passed in 1909 and 1910. Much of it is ill-considered—a state enacts a law patterned after that of another without having much idea what it means. Different officials in the same state read the law differently, and many of the most important questions have not yet been passed upon by the courts.

"Until a comparatively short time ago few states taxed inheritances. Now all but ten states have an Inheritance Tax Law of some sort."

He proceeds to show that as the state of residence rarely relinquishes its tax, double taxation has become fairly common. He shows how with corporations organized in one state, doing business in another, with a stockholder living in a third, efforts are made to tax the shares in all three of the states.

Recent statistics show that in the State of New York capital is being driven out of the state by the excessive inheritance tax, and it may be that at the pending session of the legislature some abatement of it will be made.²³

²² Inheritance Taxes for Investors, Hugh Bancroft, 1911.

²³ Since this address was delivered the laws of New York relating to taxation have been materially changed, and greatly for the better. See chaps. 435-732 and 502 Laws 1911. In Corp. Trust Co. Journal, July-Sept., 1911.

Whether or not the "wolf-like" tendencies of our legislatures can be restrained within reasonable bounds, and all of these states agree upon certain general principles of taxation of non-residents based upon the recognition of the unfairness of double taxation, remains to be seen. Certainly the present conditions cannot go much farther without producing an indignation that will result in a still stronger tendency towards the depressing of state power.

The subject of Uniform Taxation Laws has been before the American Bar Association, and this Conference has been asked to join in the consideration of the evils arising from the present system. It was deemed inexpedient, however, to accede to the request. In view of the changed conditions, while I do not think the Conference should at this time undertake to consider the subject with any other body, it would seem to me to be well that a special committee charged with the duty of considering the evils to which I have referred should be appointed with instructions to report whether or not this Conference should undertake to suggest a uniform law on the subject of taxation of the property of non-residents, and of foreign corporations among the several states.

DIVORCE.

Quite recently my attention has been called to two proposed joint resolutions offered in the House of Representatives, one by Mr. Norris, of Nebraska, and the other by Mr. Sheppard, of Texas, in reference to the subject of divorce. The first proposes that for the purpose of securing a Uniform Law on Marriage and Divorce throughout the Union, the President be requested to ask the Governors of the different states to send representatives to a congress of delegates for the purpose of formulating Uniform Law on Marriage and Divorce, to be submitted to the legislatures of the different states. The proposed congress is to be held in the Hall of Representatives in Washington, and \$200,000 is to be appropriated for its expense.

Mr. Sheppard's resolution provides for a conference composed of Governors and Attorneys-General of the States, also to be

held at Washington, to formulate uniform laws on the subject of marriage and divorce, and \$100,000 is to be appropriated for the expense of this conference.

It will be remembered that a national divorce congress assembled in Washington in 1906, at the invitation of the Governor of Pennsylvania, at the expense of that state, \$10,000 having been appropriated for the purpose, at which representatives from all but two of the states were in attendance. This congress formulated a Uniform Divorce Act which has met the approval of this Conference, and has been adopted by Delaware, New Jersey and Wisconsin, and, as I am informed by the Commissioners from Illinois, its provisions are substantially the law in that state. So thoroughly aroused is the conscience of the country over the widely recognized evils incident to divergent, and in some cases, lax divorce laws of the states, that it would seem to be opportune to call attention to the fact that the results of the labors of the National Divorce Congress of 1906, and of this Conference in the form of a carefully drafted Act, stand ready to hand and provide the only remedy recognized by those who have given study to the subject for the evils arising from lack of uniformity in, and lack of divorce laws in the different states. With the impetus given the movement for uniformity on this subject by the recently awakened popular interest, coupled with an incidental demand for the application of the only obvious remedy, it may be that the co-operation of the legislatures of the additional states will be eventually secured to accomplish the end in view.

RETROSPECT.

It may not be out of place now, in the twenty-first year of the existence of the Conference of Commissioners, to indulge in a brief historical retrospect. It will be remembered by some of the Commissioners who had the privilege of being present at the session, and by others who are familiar with the reports of the American Bar Association, that a special committee was appointed in 1884²² to consider what measures might properly be

²² Report of Am. Bar Ass'n, 1886, pp. 72-74.

adopted to overcome the delay and uncertainty of judicial administration. This committee comprised David Dudley Field, John F. Dillon, George G. Wright, Seymour D. Thompson and Cortlandt Parker, all of them great lawyers, and all now gone save the venerable John F. Dillon. Among the resolutions reported by them was the following:

“The law itself should be reduced so far as possible to the form of a statute.”

To this resolution Mr. Parker dissented because, in his judgment, its adoption would commit the Association to the proposition that “our general law should be upon the system of establishing what is termed a ‘code’ instead of the system of the law of England as originally adopted, and still almost universal in America.” After a very full and very complete debate, the resolution, modified by an amendment of Austin Abbott, was adopted in this language:

“The law itself should be reduced so far as its substantive principles are settled to the form of a statute.”

Five years later this Conference came into being, and quite irrespective of the merits or demerits of the proposed codification of the body of the law, public sentiment had gradually become aroused, to some extent at least, to an appreciation of the danger, uncertainty and gross injustice resulting from the different inferences drawn by the courts of the various states, from the precedents that were claimed to establish the law upon matters affecting the rights and duties of citizens whose business was carried on beyond the borders of their own states. The close inter-communication brought about by the modern uses of steam and electricity have caused a revolution in mercantile business which has not yet reached its fullest development. Instead of going to the local shopkeeper for merchandise necessary for use in daily life, through the medium of mail orders or travelling agents the distributing centers, even in obscure agricultural communities, have been transferred to great cities. The boundaries of the states have become, from the point of view of the business man, merely geographical expressions.

Under circumstances such as these, it was but natural that some effort should be made to bring about uniformity in those branches of the law where local interests would not be seriously affected. It was recognized, of course, that any action on the part of the states must be purely voluntary, for each state is a sovereign in the great mass of matters affecting its citizens and their property. The power of the federal government, greatly as it has been extended by judicial interpretation of the constitution (and let it not be thought for a moment that judicial interpretation has been judicial legislation) cannot reach the body of the law of contracts excepting as it affects interstate commerce, nor of the law of decedents' estates, nor the great social questions arising out of the marriage relation and its severance.

There are those who believe that because the American people in all the wide extent of territory owing allegiance to the national government are essentially homogeneous, and because, however separated by geographical lines, they trace their legal institutions and political ideals to the same source, it is desirable and inevitable that the waning importance of the state government should be still more lessened, and that uniformity, which all deem to be an end most devoutly to be sought in a very large proportion of the body of our law, can only be obtained by such amendments to the national constitution as will give to the courts of the United States a jurisdiction almost as complete as that exercised by those of the various states in matters appertaining to domestic affairs.

The constant argument against the efforts of this Conference is the danger of losing all that has been gained after a uniform Act has been passed; that divergent interpretation of its sections will render the situation as complex afterwards as it was before the effort was made. I find this nowhere better expressed than in an address of one of our own Commissioners.²⁰ Speaking of the Negotiable Instruments Act, he says:

²⁰ *The Effort to Promote Uniform Legislation Among the States*, Frank Bergen.

"It is, I think, the most consummate piece of codification to be found in the legal literature of our language. But, unhappily, the act cannot be implicitly relied on as a uniform law, even among the states and territories in which it has been enacted, because it has already been amended in several states in a few particulars, and without the concurrence of the other states in which the original bill had been passed."

And then, after a review of the other work of the Conference and the general principles that should govern codification, and referring to the division of thought that has existed from the time of the Revolution when "it was said that some of the people thought locally and others thought continentally," and asserting that "we are still divided to some degree along the same line," he reaches this pessimistic conclusion:

"After sixteen years of experience in the effort to promote uniform legislation among the states by their voluntary action, I am beginning to think continentally, and coming to the conclusion—reluctantly, I admit—that we shall never get the benefits of uniform legislation until the federal constitution is construed or amended so as to give Congress power to enact general laws on subjects of common concern that shall be binding on all the people, wherever the sovereignty of the Union extends. It would not require very much enlargement of the commerce clause of the federal constitution beyond its present dimensions to confer on Congress power to pass effectively all the bills relating to commercial paper and to regulate commercial transactions which the Commissioners on Uniform Laws have framed during the past twenty years. But I would not stop there. If we must look to Washington for relief from the complexity of much of our jurisprudence, Congress should have the power also to enact general laws on the subject of wills, conveyances, marriage and divorce, and on other subjects in which the people have interests in common. Besides, I think Congress should also have power to create corporations to carry on every legitimate commercial business, subject to such restrictions and regulations as experience in the states has suggested. * * * The quality of our food and medicine is prescribed at Washington. Besides, Congress has recently invaded the states and levied an income tax on nearly all of our corporations, and bye and bye individuals may be visited for the same purpose. The prejudice against these important Acts of Congress, or similar statutes, that once was violent, has almost entirely passed away. We see their benefits more clearly as our

fears vanish. Why may we not expect to gain similar advantages by Congressional legislation on the other subjects I have mentioned?

I have thought it well to give this extended quotation from the able address of our accomplished colleague, because it shows a tendency of contemporary thought that must necessarily be of interest to this Conference. It would seem to be a frank admission that our dual system of state and federal government cannot stand the strain of modern business conditions. It may be so, and little by little the principle of local self-government will yield to the imperial tendency until the quasi-sovereignty of the states will become but a shadow. But these are political questions, and, rapidly as political conditions change, it will take a long time to destroy the confidence of the masses of the American people in a system of government unique in the history of civilization, and now, after the vicissitudes of nearly a century and a quarter, remaining among the oldest among civilized nations.

It is not for our Commission, after an experience of a generation, to despair of success. On the contrary, frankly admitting there have been a proportion of errors discovered in the Uniform Acts, and that the objection that uniformity will in a measure be destroyed by discordant decisions by the courts has a measure of plausibility, it may confidently be asserted that lasting good results have come from the work in which we are engaged, and the evils may be minimized by a simple expedient.

It will be remembered that a resolution was adopted by the National Civic Federation, recommending that any proposed amendments to uniform laws should be first submitted to this Conference." It would seem to be wise not to wait until such

"Resolved, That if any person or organization, after studying the laws submitted by the Conference on Uniform State Laws, thinks that any of them need amendment such persons and organizations be earnestly urged to try to bring about such amendment, through the National Conference of Commissioners on Uniform State Laws, to the end that even in amendments uniformity may be preserved. (Rep. Am. Bar Ass'n, 1910, p. 20.)

amendments are submitted, but to originate them ourselves. Sufficient time has elapsed since the adoption of the Negotiable Instruments Act in many of the states for at least the major part of its weaknesses to have developed. I understand that the Committee on Commercial Law have in contemplation a number of proposed amendments to this Act, designed to meet divergent decisions and statutory changes in some of the states. I recommend that this committee be instructed at as early a time as is consistent with the importance of the work to report the proposed amendments in order that they may be submitted to the various legislatures, and the same course of action be followed by the different committees of this Conference responsible for the initiation of legislation on the particular subjects confided to them. This course would seem to be better than to appoint a Standing Committee on Amendments. It is desirable, moreover, that the Conference should frankly recognize that however perfect any Act may be, sooner or later amendments will be demanded, and if once the fact that such amendments can be discussed upon their merits without indefinite delay is brought home to the legislators of the different states, there will be less hesitation in the acceptance of our bills.

REPORT OF THE SECRETARY

OF THE

COMMISSIONERS ON UNIFORM STATE LAWS, AUGUST, 1911.

Your Secretary begs to report in outline the work of the Conference during the year last past, so far as the same involves the duties of his office, as follows:

First: The compilation of the matter for the annual printed report of the Conference, the selection from the stenographic minutes of the meetings of the Conference at Chattanooga, Tennessee, in August, 1910, of those portions required for such compilation, the preparation of the material for the printer, the reading of proof, the preparation of revised lists of Commissioners, committees, and the like, occupied the attention of your Secretary for a considerable period, but the efforts were rewarded by the accomplishment of a very gratifying result, namely, the distribution to the various Commissioners, as well as to all those throughout the country interested in the work of the Conference, and in any or all of the Acts dealt with in its discussion, of the reports a reasonably adequate time prior to the convening of any of the legislatures of the states, so that the Commissioners had in hand for their work with the legislatures the material to form the basis for their attempts to procure the enactment of the proposed statutes in ample time to make their preparation. Your Secretary also sent to various public libraries, throughout the United States, copies of the proceedings, and in every case received acknowledgments of the grateful appreciation of the librarians; in some cases, statements from them that there was a call for the reports on the part of the patrons of the library, and they considered them valuable books for reference. Throughout the year, as in previous years, many requests have been received for copies of the reports and other literature of the Conference, to all of which your Secretary has been glad to respond.

Second: A very considerable correspondence has been maintained with the officers of the Conference and the Commissioners in various states, public officials in several of the states, and others, who had inquiries to make, data to be employed or assistance in the work of the Conference to be rendered. In some instances it has been possible to give co-operation to those who are seeking the passage of some of the Uniform Acts in states where they have not all become law, and your Secretary has received and answered communications from the Governors of some of the states in connection with our requests for the appointment of Commissioners, the passing of legislation relating to their duties and compensation, and the appropriation of monies for their expenses.

Third: In connection with the work of the Conference's Special Committee on Compensation for Industrial Accidents, your Secretary, who is also a member of that committee, has attended, in co-operation with Mr. Hollis R. Bailey, Chairman of the Committee, to the administrative work of the same, and has availed himself of the opportunities presented to arrange for the various meetings of that committee, the collection of literature and data, opinions of courts and statutes, and proposed statutes of other states, relating to its work, and the enlisting of the interest, co-operation and suggestions of various and sundry organizations and individuals who are likewise interested in the subject. Efforts were made to secure the harmonious co-operation between this committee and similar committees and commissions on the same subject, and the attendance and suggestions of Mr. Sherman of the National Civic Federation's Committee. The committee has been, under the leadership of Mr. Bailey, a particularly active and energetic one, and with the encouraging interest and attention of President Smith has prosecuted its labors to a measurably definite conclusion, represented in its report which will be submitted to the present Conference.

Fourth: A circular letter was sent the Chairman of each State Board of Commissioners asking for copies of the laws of the different states relating to the appointment of Commis-

sioners, their expenses, etc. This was done in order to facilitate the issuance of a new bulletin covering the laws of the various states regarding the appointment of Commissioners, and the payment of their expenses, the same to be known as bulletin No. 4.

Your Secretary attended to the printing of this bulletin and will distribute the same to the various members in attendance at the Conference.

Fifth: In some states the matter of the appointment of new Commissioners, to succeed those whose terms had expired, was taken up actively with the respective Governors. Efforts were made to arouse interest in those states where enthusiasm in the workings of the Conference seemed to be at a low ebb, and to secure the attendance of their Commissioners at the Conference to be held this August, and to have legislation enacted providing at least for the payment of the Commissioners' expenses, and also to secure the enactment of various of our Uniform Acts.

Full information with reference to the workings of the Conference and literature have been sent to the new Commissioners of the various states having such new Commissioners.

Sixth: Your Secretary co-operated with the Chairman of the Committee on Uniform Incorporation Law, and sent copies of the Act, in the form which it had taken after the Conference of Commissioners held at Chattanooga last August, to various attorneys, instructors on the Law of Incorporation, and others supposed to be experienced particularly in the Law of Incorporation, in order to secure their opinions and views, and held a considerable correspondence with many of these people along these lines; he also arranged for the holding of meetings of the Committee on Uniform Incorporation Law, at which the Act was put in complete tentative form. Your Secretary attended to the printing of the second tentative draft of the Act, and the distribution of the same among the Commissioners.

Seventh: The matter of the printing of our Sales Act, Warehouse Receipts Act, Bills of Lading Act and Stock Transfer Act in the Volume on the United States for Borchardt's Commercial Laws of the World, was taken up with the Executive Committee, and its consent to this publication secured.

Eighth: A free distribution was made by your Secretary to all people requesting the same, and to various state libraries and law schools of the "American Uniform Commercial Acts"; this, in order to bring the work of our Conference closer to many people whose influence would be helpful in bringing about the passage of various of our Uniform Acts.

Ninth: Prompt replies were sent to all those making inquiries for information with regard to the holding of meetings, committees, information with reference to the work done by the Conference, the states in which its Acts have become law, etc.

Immediately after the holding of the 1910 Conference, notices were sent to all those upon the various committees notifying them of their appointment to such committees.

Tenth: The Secretary of the Association of Probate Judges of Michigan was written, in reply to the kind invitation of his Association to attend their Conference through an official delegate, thanking them, but regretting, owing to the shortness of time which would elapse between the meeting of our Conference and their Conference, and because of the fact that we have no authority under our Constitution and By-Laws to attend other Conferences in any official capacity, that it was deemed by the Executive Committee inexpedient to take the action suggested in their communication.

Eleventh: Letters and copies of our 1910 Report were sent to one hundred prominent newspapers in the United States, giving them full information of the work which our Conference has accomplished and is accomplishing, and bespeaking their support and co-operation in our task.

Twelfth: Your Secretary took up with Hon. Champ Clark, of the House of Representatives, his remarks on the subject of a Uniform Divorce Act; informing him of the work of our Conference along this line, and sending him material in this regard.

Thirteenth: Efforts were made to secure the co-operation of various commercial organizations, as for example, the National Association of Credit Men, in our work, and information was given them as to how they could aid our work in the various states.

Fourteenth: Your Secretary has prepared and sets forth herewith data which summarize the present status of the Conference and the work accomplished by it in respect of Commissioners appointed, whether with or without legislative authority, whether with or without provision for their expenses, the number of states which has passed each of the Acts approved by the Conference, and like information.

The number of states, territories and federal districts which have appointed Commissioners, is as follows:

States	45
Territories	3
Federal District	1
Possessions	2
	—
Total	51

NOTE.—Annexed hereto is a statement of the names of states, territories, federal districts, etc., which have appointed Commissioners.

The number of states which have passed the Negotiable Instruments Act is forty.

NOTE.—Annexed hereto is a statement of the names of states, territories, federal districts, etc., which have passed said Act.

The number of states which have passed the Warehouse Receipts Act is twenty-two.

NOTE.—Annexed hereto is a statement of such states.

The number of states and territory which have passed the Sales Act is ten.

NOTE.—Annexed hereto is a statement of such states and territory.

The number of states which have passed the Divorce Act is three.

NOTE.—Annexed hereto is a statement of such states.

The number of states which have passed the Stock Transfer Act is five.

NOTE.—Annexed hereto is a statement of such states.

The number of states which have passed the Bills of Lading Act is seven.

NOTE.—Annexed hereto is a statement of such states.

The number of states which have passed the Act Relating to Wills Executed Without the State is six.

NOTE.—Annexed hereto is a statement of such states.

The number of states which have passed the Act Relating to Family Desertion is four.

NOTE.—Annexed hereto is a statement of such states.

You will find annexed hereto a list of states in which Commissioners have been appointed under legislative authority, a list of states in which Commissioners have been appointed without such legislative authority, and a list of those whose legislatures have provided for the appointment of Commissioners, but which have made no provision for the payment of their expenses, all of which lists your Secretary has endeavored to make as accurate as possible, consistent with the information which he has in hand.

CHARLES THADDEUS TERRY,
Secretary.

States, territories and federal districts which have appointed Commissioners:

States.

Alabama,
Arkansas,
California,
Colorado,
Connecticut,
Delaware,
Florida,
Georgia,
Idaho,
Illinois,
Indiana,
Iowa,
Kansas,
Kentucky,
Louisiana,

Maine,
Maryland,
Massachusetts,
Michigan,
Minnesota,
Mississippi,
Missouri,
Montana,
Nebraska,
New Hampshire,
New Jersey,
New York,
North Carolina,
North Dakota,
Ohio,

Oklahoma,
Oregon,
Pennsylvania,
Rhode Island,
South Carolina,
South Dakota,
Tennessee,
Texas,
Utah,
Vermont,
Virginia,
Washington,
West Virginia,
Wisconsin,
Wyoming.

Territories.

Arizona,

Hawaii,

New Mexico.

Federal District.

District of Columbia.

Possessions.

Philippine Islands,

Porto Rico.

States and territories which have passed the Negotiable Instruments Law:

States.

Alabama,
Colorado,
Connecticut,
Florida,
Idaho,
Illinois,
Iowa,
Kansas,
Kentucky,
Louisiana,
Maryland,
Massachusetts,

Delaware,
Michigan,
Missouri,
Montana,
Nebraska,
New Hampshire,
Nevada,
New Jersey,
New York,
North Carolina,
North Dakota,
Ohio,

Oklahoma,
Oregon,
Pennsylvania,
Rhode Island,
Tennessee,
Utah,
Virginia,
Washington,
West Virginia,
Wisconsin,
Wyoming.

Territories.

Arizona,

Hawaii,

New Mexico.

Possessions.

Philippine Islands.

Federal District.

District of Columbia.

States which have passed the Warehouse Receipts Act:

California,
Connecticut,
Illinois,
Iowa,
Kansas,
Louisiana,
Maryland,

Massachusetts,
Michigan,
Missouri,
Nebraska,
New Jersey,
New Mexico,
New York,

Ohio,
Pennsylvania,
Rhode Island,
Tennessee,
Utah,
Virginia,
Wisconsin.

Federal District.

District of Columbia.

States which have passed the Sales Act:

*States.*Connecticut,
Maryland,
Michigan,Massachusetts,
New Jersey,
New York,Ohio,
Rhode Island,
Wisconsin.*Territory.*

Arizona.

States which have passed the Divorce Act:

Delaware,

New Jersey,

Wisconsin.

States which have passed the Stock Transfer Act:

Louisiana,
Ohio,Maryland,
Pennsylvania.

Massachusetts,

States which have passed the Bills of Lading Act:

Connecticut,
Illinois,
New York,Maryland,
Ohio,Massachusetts,
Pennsylvania.

States which have passed the Act Relating to Wills Executed Without the State:

Kansas,
Washington,Wisconsin.
Massachusetts,Michigan,
Rhode Island,

States which have passed the Family Desertion Act:

Kansas,
Wisconsin,

Massachusetts,

North Dakota,

List of states, etc., where Commissioners have been appointed under legislative authority:

Arizona,	Massachusetts,	Pennsylvania,
Colorado,	Michigan,	Porto Rico,
Connecticut,	Minnesota,	Rhode Island,
Florida,	Mississippi,	South Carolina,
Georgia,	New Hampshire,	Utah,
Illinois,	New Jersey,	Virginia,
Hawaii,	New York,	Washington,
Louisiana,	Ohio,	Wisconsin.
Maine,	Oklahoma,	Tennessee,
Maryland,	Philippine Islands,	

List of states where Commissioners have been appointed without legislative authority:

Alabama,	Iowa,	North Dakota,
Arkansas,	Kentucky,	Oregon,
California,	Missouri,	South Dakota,
District of Columbia,	Montana,	Texas,
Delaware,	Nebraska,	Vermont,
Idaho,	New Mexico,	West Virginia,
Indiana,	North Carolina,	Wyoming.
Kansas,		

List of states, etc., whose legislatures have provided for the appointment of Commissioners, but where no provisions have been made for the payment of their expenses:

Arizona,	Illinois,	Philippine Islands,
Colorado,	Hawaii,	South Carolina,
Florida,	Mississippi,	Tennessee.
Georgia,	New Hampshire,	

No Appointees.

Alaska,

Nevada.

REPORT
OF THE
EXECUTIVE COMMITTEE.

*To the President and Commissioners Attending the Twenty-first
Conference of Commissioners on Uniform State Laws:*

Your Executive Committee would respectively report:

At the Twentieth Annual Conference held at Chattanooga, Tennessee, August 25, 26, 27 and 29, 1910, twenty-five states, the District of Columbia and Possession of Porto Rico were represented by forty-nine Commissioners. Others in attendance at the Conference were Simeon Hyde, of South Carolina, Tore Teigen, of South Dakota, and also, by invitation, William D. Crocker, of Williamsport, Pa.; also Owen K. Lovejoy, of Washington, D. C., W. B. Swaney, and T. C. Thompson, of Tennessee. Mr. Hyde, of Charleston, S. C., is a law partner of Commissioner Mordecai of that state, who being absent in Europe, Mr. Hyde was given the privilege of the floor in Mr. Mordecai's absence.

The proceedings of this Conference have been printed and distributed among the Commissioners and others in accordance with the practice of the Conference.

The following matters should receive attention at this Twenty-first Annual Conference:

The reports of the Committees on Insurance and on Vital and Penal Statistics, which were postponed at the last Conference until the assembling of the present Conference.

The Chairman of the Committee on the Torrens System and Registration of Land Titles is to report his action in addressing each Commissioner calling attention to the adoption of this resolution, and sending to him copies of the laws of New York and Massachusetts providing for an investigation of the Torrens System.

The Committee on Commercial Law having been authorized to consider the subject of Partnership Law without being limited to the entity theory, is to report.

The Committee on Commercial Law is also to report a draft of an Act of suggested amendments to the Negotiable Instruments Law, which was to be printed with annotations and distributed by the committee to the members of the Conference, lawyers, and bankers throughout the country, as soon as practicable, and the draft when considered and approved by the Committee was to be presented to the Conference for further action.

The same committee will report on the subject of Uniform Legislation concerning Carrier's Liability.

The Special Committee of Seven to draft a Uniform Law on the subject of Proper Compensation for Industrial Accidents is also to report.

The Committee on Marriage and Divorce will report an Act on Marriages and Licenses to Marry.

The Committee on Vital Statistics is to report its action under the authority to print the Uniform Act on Vital Statistics submitted by the committee in 1908, and to distribute copies thereof among the members of the Conference at least ninety days before the meeting of the Conference. This Act is to be taken up for consideration at this meeting of the Conference.

The Executive Committee would call attention to the rule requiring all amendments to any proposed Act to be written out and signed by the Commissioner making the same before being considered or debated, unless the Commissioner shall be excused at the discretion of the Chair.

The Committee on Banks and Banking was continued as a standing committee and is expected to report at this meeting.

The Committee on Uniform Incorporation Law was to redraft the Act and have the same printed and distributed as in the case of other Acts, and the redrafted Act is to be considered at this Conference.

Since the adjournment of the Conference on September 1, 1910, at Chattanooga, it has not been found feasible to assemble the members of the Executive Committee for a formal meeting.

A number of matters were submitted by the Chairman to the members of the Committee in writing, and an expression of opinion was received by him from each member, amounting to a letter vote on the subject. The number of days for the sessions of the Twenty-first Annual Conference of Commissioners as well as the place for holding the sessions of the Conference were thus determined. It was unanimously voted to hold the sessions of the Conference in Room U in the Hotel Vendome, Boston, Mass., and the number of days for the sessions was fixed at five with only one dissenting vote.

The Chairman of the committee has been in frequent conference with the Hon. Walter George Smith, the President of the Conference, as well as with the Chairmen of the various committees and many individual Commissioners. On the 18th day of April, 1911, the following circular was addressed to the Governor of each state, territory, district and possession:

TO HIS EXCELLENCY,

Governor of the State of ,

Sir:

I take pleasure, as Chairman of the Executive Committee of the Conference of Commissioners on Uniform State Laws, in mailing to Your Excellency a copy of the Twentieth Annual Report of the Commissioners and of the American Uniform Commercial Acts recommended by them. I most earnestly and respectfully request their careful perusal.

I would also most respectfully ask your Excellency to urge the attendance of the Commissioners from your state at the Twenty-first Annual Conference, to be held in Boston, Mass., August 23, 24, 25, 26 and 28, immediately preceding the Annual meeting of the American Bar Association in the same city.

If your Commissioners have not been appointed by legislative authority, may I suggest that you recommend the passage of a law providing for such appointment, so that all of the Commissioners may be representatives of their respective states? I enclose a form of the Act adopted in many of the states.

If no provision has been made for the payment of the actual expenses of the Commissioners from your state, and of a modest proportion of the annual expenses of the National Conference

of Commissioners, will you pardon me if I urge the recommendation by your Excellency of legislation making such provision?

As the Commissioners give their time, learning, skill and ability to the great work of promoting uniformity, their appointment should not only have legislative sanction, as in the states of Colorado, Connecticut, Florida, Georgia, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Porto Rico, Rhode Island, South Carolina, Utah, Virginia, Washington, Wisconsin, and the Territory of Arizona, but it would seem both just and reasonable that their individual personal expenses and the necessary incidental costs of the preparation of their reports should be paid by the state, and they should be authorized to contribute proportionately a limited, modest annual amount to the expenses of the Conference itself.

It has been well said:

"The trammels upon business activities that are the necessary consequence of our dual system of government in the United States are becoming less and less tolerable as the country expands. * * * *. If the Conference of Commissioners succeeds measurably in bringing about uniformity on those subjects upon which uniformity is essential for the well-being of all the people of all the states, we shall check a tendency that has of late been accentuated of turning to the federal government wherever and whenever a business or social problem presents itself."

Is not then this subject of uniformity worthy of the most earnest consideration of the best thinkers, and experienced men of the individual states?

Does not the fact that either by executive action or by legislative authority, Commissioners have been appointed for forty-four states, two territories, one federal district and three federal possessions, evidence a recognition of the importance of this subject of uniformity of state legislation?

Does not the assembling of the Governors of more than thirty states in Washington, D. C., in January, 1910, at the same time a great national conference was being held, which approved the various commercial and other Acts drafted or recommended by the National Conference of Commissioners, indicate the necessity of a more perfected business organization, upon an intelligent basis of the forces of the respective commonwealths, for the promotion of the important objects of the Conference of Commissioners on Uniform State Laws?

REPORT OF THE EXECUTIVE COMMITTEE. 619
Asking the pardon of your Excellency for my persistency in presenting and urging your executive action along the lines I have indicated, I am,

Yours with great respect,

WILLIAM H. STAAKE,

Chairman Ex. Com.

To this communication replies were received from the Governors of Alabama, Alaska, Arizona, Connecticut, Delaware, Hawaii, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Porto Rico, Rhode Island, South Dakota, Virginia, Washington and Wyoming.

No replies were received from the States of Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Maine, Maryland, Nebraska, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, Texas, Utah, Vermont, West Virginia and Wisconsin.

In response to the following circular

OFFICE OF THE CHAIRMAN OF THE EXECUTIVE COMMITTEE.

PHILADELPHIA, PA., June 12, 1911.

HON.

Commissioner from the State of

DEAR MR. COMMISSIONER: Will you please promptly report to me on the receipt of this communication "the enactment of any laws, or the filing of any judicial decisions in your state upon the subject of uniform legislation in the United States," since the last meeting of the Commissioners on Uniform State Laws at Chattanooga, Tennessee, August 25, 26, 27 and 29, 1910.

I make this request under Section 1, Article 4, of the Constitution of the Commissioners on Uniform State Laws, which provides:

ARTICLE IV.

Duties of Members.

SECTION 1. It shall be the duty of the Commissioners from each state, at least thirty days before each Annual Conference, to report to the Chairman of the Executive Committee the enactment of any laws or the filing of any judicial decisions in

the state from which they are appointed, upon the subject of uniform legislation in the United States.

SEC. 2. Also makes it the duty of the Commissioners from each state to attend the Annual Conference or to arrange for the attendance of at least one Commissioner.

SEC. 3. To report to the President, Hon. Walter George Smith, 1006 Land Title Building, Philadelphia, the death or resignation of any Commissioner from their state.

SEC. 4. To endeavor to secure from the legislature of their state an appropriation towards defraying the annual expenses of the National Conference.

This is a most important provision, as it is apparent the labors of the Conference cannot properly be performed without the funds to pay the current expenses for printing, publication, clerical service, stenographer, compensation to experts, etc.

SEC. 5. To file with the President, Secretary, and members of the Executive Committee a copy of their reports to the Governor or legislature of their respective states.

I also advise you that the Twenty-first Annual Conference of the Commissioners will take place in Room U, street floor, in the Hotel Vendome, Boston, Massachusetts, August 23, 24, 25, 26 and 28, 1911, beginning at 10.30 a. m., Wednesday, August 23. It is earnestly urged that each Commissioner shall be present at this important Conference, which precedes the annual meeting of the American Bar Association in Boston, August 29, 30 and 31, 1911.

In view of the great interest being manifested throughout the nation in the subject of uniformity of state legislation, evidenced by the continued co-operation of the National Civic Federation and other national organizations, the continuance of the organization of State Councils to assist the Federation in its efforts to support our National Conference of Commissioners, the officers of the Conference and the members of the Executive Committee trust each Commissioner will feel an obligation to be present at Boston, on August 23, at this Twenty-first Annual Conference.

Your kind attention to the matters herein noted is respectfully requested by

Yours very truly,

WILLIAM H. STAAKE,

Chairman, Ex. Com.

648 CITY HALL, PHILADELPHIA, PA.

the Chairman received replies from a number of Commissioners, all of which replies were submitted to the President of the Con-

ference for the use of so much thereof as he thought proper to embody in his annual address to the Conference. In order to avoid repetition, it was understood that the President would refer to all judicial decisions, while the Chairman of the Executive Committee would report on the subject of the adoption of Uniform State Laws.

Reports were received from the following Commissioners: Bromberg, of Alabama; Ross, of Arizona; Moore, Cockrill and Fletcher, of Arkansas; Leeds and Helm, of California; Russell, of Connecticut; Satterfield, of Delaware; Siddons, Browne and Clephane, of the District of Columbia; Blount, of Florida; Meldrim, of Georgia; Babb, of Idaho, Richberg, of Illinois; Sellers, of Indiana; Smith and Allen, of Kansas; Shelby, of Kentucky; Hart and Thornton, of Louisiana; Hamlin, of Maine; White-lock and Rohrback, of Maryland; Black, of Michigan; Brown, of Minnesota; Stovall, of Mississippi; Taylor, of Missouri; Clayberg, of Montana; Hastings and Wilson, of Nebraska; Burnham, of New Hampshire; Bergen, of New Jersey; Hervey, of New Mexico; Terry, of New York; Biggs, of North Carolina; Arnold, of Ohio; Bunn, of Oklahoma; Bailey, of Massachusetts; Snodgrass and Smith, of Pennsylvania; Lobingier, of Philippine Islands; Serra, of Porto Rico; Eaton, of Rhode Island; Mordecai and Sheppard, of South Carolina; Voorhees, of South Dakota; Ingersoll, of Tennessee; Glass and Crook, of Texas; Smith, of Utah; Massie and Caton, of Virginia; Shepard, of Washington, Dillon, of West Virginia, and Stevens, Frost and McCarthy, of Wisconsin.

In Arizona, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Mexico and Virginia there have been no sessions of the legislature since the 1910 meeting of the Conference.

In Alabama, Arkansas, Connecticut, District of Columbia, Florida, Idaho, Indiana, Kansas, Maine, Montana, Nebraska, New Hampshire, New Jersey, North Carolina, Porto Rico, South Carolina, South Dakota, Tennessee, Texas and West Virginia no laws on the subject of uniform legislation have been enacted.

In California the Negotiable Instruments Act was vetoed by the Governor. In Connecticut the legislature has not adjourned.

The Bills of Lading Act has been enacted. The Stock Transfer Act is under consideration, with a favorable report by the Judiciary Committee.

In Delaware the Negotiable Instruments Act was passed.

In Illinois the Uniform Bills of Lading Act was passed and was in force on July 1.

In Kansas the Proof of Wills and Family Desertion Acts were passed. The Sales Act and Bills of Lading Act died on the calendar at the close of the session.

In Massachusetts the Uniform Law Relative to Wills Executed Without the Commonwealth and the Family Desertion Act were passed.

In Michigan the Sales Act passed. The Commercial Bills passed the House of Representatives, and one in the Senate. Owing to the shortness of time in the great flux of bills in the last few days of the session another Act which passed both the Senate and House, but with a slight amendment in the latter, failed of passage.

In Minnesota an Act was passed providing for a newly constituted body or State Board of Commissioners on Uniform State Laws and providing an appropriation for the payment of the expenses of the Commissioners. The Act is Chapter 68 of the General Laws of 1911. Under this Act, Rome G. Browne, Cordenio A. Severance and Edward Lees were appointed Commissioners.

In Missouri the Uniform Warehouse Receipt Act was passed.

In New York the Bills of Lading Act and the Sales Act with certain amendments were passed.

The Transfer of Stock Act was passed by both Houses, but was vetoed by the Governor.

In Ohio the Uniform Stock Transfer and the Uniform Bills of Lading Acts were passed. Commissioner Arnold states that at the next session of the General Assembly it may be possible to secure the enactment of the other bills prepared by the Conference of Commissioners.

In North Dakota the Family Desertion Act was passed.

In Oklahoma a bill was passed providing for the appointment

of three Commissioners, and an appropriation of five hundred dollars (\$500.00) per annum to pay their expenses. Governor Cruce appointed R. E. Jackson, G. A. McDougal and Clinton O. Bunn as Commissioners.

In Pennsylvania the Transfer of Stock and Bills of Lading Acts were passed. The Sales Act passed the Senate but failed in the House, not being reached prior to the adjournment. The General Appropriation Bill provided the sum of two thousand dollars (\$2000.00) for the payment of incidentals and expenses already incurred or to be incurred during the two years beginning June 1, 1911, by the Commissioners from the state.

In the Philippine Islands the Negotiable Instruments Law was adopted and Commissioner Lobingier states "The Philippines are now the 39th or 40th American Territory where the said law is in force" and he hopes this is only the beginning of a general movement which will bring at least the Commercial Law of the Philippines in harmony and uniformity with that of Continental America.

In Rhode Island the Execution of Wills Act was passed.

In Utah the Uniform Warehouse Receipt Act was passed and went into effect on May 10, 1911. The Sales and Bills of Lading Act were introduced but were not passed, principally on account of rush of business.

In Washington the Execution of Wills Act has been passed.

In Wisconsin the Desertion and Sales Acts were passed. The Bills of Lading Act was introduced but was indefinitely postponed. An Act for an Appropriation towards the expenses of the Commissioners was also passed.

Commissioner Mordecai, of South Carolina, stated that the committee of which he was Chairman made every effort to have passed at the session of 1910-11 the various Uniform Acts. It is the intention of the Committee to reintroduce all of the bills at the next session of the legislature, and they hope finally to have favorable results.

Commissioner Glass, of Texas, reports that the Thirty-second Legislature of Texas remained in session only sixty days, and while the laws prepared and recommended by the Conference

met with much favorable comment, nothing more was accomplished. It was stated that a special session of the legislature would convene on July 31, but only such matters as might be recommended by the Governor could be considered. Therefore nothing can be accomplished in Texas before the meeting of the Thirty-third Legislature in 1913. Commissioner Crook states that they are making an effort to procure suitable legislation in his state to provide for the appointment of Commissioners under legislative authority, and for their compensation in manner and form as recommended by the Commissioners.

The Governor of Texas has appointed Hiram Glass, W. M. Crook, J. F. Maddox, A. S. Hardwicke and Edgar Scurry Commissioners for the Twenty-first Annual Conference.

The Executive Committee has been advised of the deaths of Commissioners Thomas J. Kernan, of Louisiana; Levi Turner, of Maine; Hiram Knowles, of Montana; Robert W. Williams, of Florida.

The lamentable death of each of these eminent gentlemen will undoubtedly be reported by the Commissioners from their states and suitable action will be taken by the Conference.

The Chairman of the committee has been advised of the appointment of W. A. Blount, of Pensacola, Florida, as Commissioner from that state in place of Robert W. Williams, deceased; F. M. Simonton in place of John C. Avery, resigned, and of the appointment of John F. Hager, of Kentucky, in place of T. L. Edelen of that state; of I. D. Wall, of Louisiana, in place of Thomas J. Kernan, deceased; of Dan. H. Ball, in place of Lawrence C. Fife, deceased; of H. H. Wilson, of Nebraska, in place of William G. Hastings, resigned, and of Wallace Batchelder, of Vermont, in place of A. A. Hall.

Since the last Conference, the National Civic Federation has continued its manifestation of interest in its objects and purposes. State Councils of the Federation have been organized in 34 states, and in the District of Columbia.

The question of the financial condition of the Conference is one which will require its careful and intelligent consideration. The Executive Committee, as has already been evidenced, has

called the attention of the Executive of each state, territory, district and possession to the necessity of some proper provision for the payment of the expenses of their Commissioners and for a contribution toward the expenses of the National Conference. The Treasurer's report will indicate more forcibly our financial status than can be presented in anything which can be reported by the Executive Committee.

The National Association of Credit Men, through J. M. Richardson, Chairman of its Committee on Uniformity of State Laws, has corresponded with the Chairman of the Executive Committee and with officers of the Association on the subject of a Uniform Mechanics' Lien Law.

Miss Bessie Locke of the National Association for the Promotion of Kindergarten Education, has also corresponded with the President in reference to the subject of a Uniform Legal School Age for Kindergarten Training, suggesting that the subject be considered by the Conference of Commissioners with the object of having such age lowered in the various states where it has not already been done, in order to promote kindergarten training for children between the ages of four and six years.

J. Richey Horner, M. D., Secretary of the "American Institute of Homeopathy," under the instructions of that body, has asked careful attention to a pamphlet enclosed by him, being an address delivered by James W. Ward, M. D., of San Francisco, California, at the recent meeting of the Institute at Narragansett Pier, Rhode Island, on "A Bureau of National Health."

G. M. Hunt, Chairman of the Conventions Committee of The Washington Chamber of Commerce, Washington, D. C., writes:

"On behalf of the Washington, D. C., Chamber of Commerce, I have the honor of extending to you a very cordial invitation to hold your session in Washington, D. C., and will assure you of a most cordial greeting should you decide to meet with us.

The hotel accommodations of Washington, as you know, are ample and of the very best, and the Chamber of Commerce will leave no stone unturned to make the meeting one of the most successful and pleasant in the history of your organization."

The Chairman of the Executive Committee promised to bring the attention of the Conference to each of these subjects.

The Chairman of the committee has been advised that reports will be presented by the following standing and special committees:

Commercial Law.

Uniform Incorporation Committee.

Marriage and Divorce.

Wills, Descent and Distribution.

Purity of Articles of Commerce.

The Torrens System and Registration of Land Titles.

Publicity.

Special Committee on Vital and Penal Statistics.

Special Committee on Child Labor Legislation.

Special Committee on Compensation for Industrial Accidents.

The following committees will not have any report requiring action:

Banks and Banking.

Depositions and Proof of Statutes in Other States.

Conveyances.

Insurance.

Appointment of New Commissioners.

Congressional Action.

Respectfully submitted,

WILLIAM H. STAAKE,

Chairman.

REPORT
OF THE
COMMITTEE ON COMMERCIAL LAW.

The Committee on Commercial Law respectfully reports:

That since the last meeting of the Conference this committee has held one meeting in Philadelphia.

The principal subject of discussion at this meeting was the proposed Uniform Partnership Act.

Dean William Draper Lewis, with the aid of Mr. Lichtenberger, had prepared drafts of such an Act, one drawn on what is known as the entity theory, the other on the aggregate theory. These Acts were before the committee and formed the basis of discussion.

The hearing was public, and many law professors and other experts on the subject were present and expressed their views fully. After hearing the discussion the committee voted that Doctor Lewis be requested to prepare a draft of the Partnership Act upon the so-called common law theory, and to print the same for the use of the committee in such a way that so far as it contained changes in existing law, such changes shall be indicated by using a different kind of type, and that so far as the matter in the draft pertains to the method of legal proceedings such portion be printed at the end of the draft.

This draft has been prepared in pursuance of the vote.

The committee reports this draft to the Conference for consideration, and for the purpose of hearing Dean Lewis in reference thereto.

The committee makes no other recommendations in regard to the draft at the present time for the reason that it has not had sufficient time to consider it fully.

The committee took under consideration the suggestion of Judge Farrar, President of the American Bar Association, as to

certain amendments in the Stock Transfer and Bills of Lading Acts, and after discussion passed the following resolution: .

Resolved, that in view of the fact that the law in regard to Lost Certificates and Lost Bills of Lading does not seem to have been changed by the Uniform Acts so far as the limitation of action is concerned, and in view of the fact that it is desirable that if the subject of limitation of action is dealt with by the Conference of Commissioners on Uniform Laws at all it should be dealt with as a whole, and in view of the further fact that the Acts regarding Certificates of Stock and Bills of Lading have already been adopted as law in several states, and are now pending to passage in other states, the committee is of opinion that it is inadvisable that the amendments to the Acts as suggested by Mr. Farrar be adopted, the said amendments being of the second paragraph of Section 17 of the Transfer of Stock Act and of the second paragraph of Section 17 of the Bills of Lading Act.

For the reason so expressed the committee recommends that no action be taken in regard to said amendments.

This committee was charged by the Conference to prepare and reprint such amendments to the Negotiable Instruments Act as might be deemed necessary or advisable.

The committee accordingly requested Prof. Williston to prepare such amendments for their consideration.

But on account of indisposition he is not present at this meeting, and the committee has received no drafts of such amendments and is therefore not prepared to make any recommendations at the present time.

The committee has not had time to consider fully the question whether a Uniform Act concerning common carriers should be prepared by this Conference, but will report in reference thereto at a later date.

Respectfully submitted,

TALCOTT H. RUSSELL,

Chairman.

REPORT

OF THE

COMMITTEE ON WILLS, DESCENT AND DISTRIBUTION.

NEW ORLEANS, AUGUST 11, 1911.

To the Conference of Commissioners on Uniform State Laws:

Your undersigned Committee on Wills, Descent and Distribution beg to report that, in their opinion, the law recommended by them in the report of last year in reference to the probate of what are usually designated as "foreign wills," should be again slightly amended and recommended to the Conference, same to read as follows:

"An Act relative to the probate, in this state, of foreign wills, and to promote uniformity among the states in that respect.

"Section 1. Be it enacted, etc., That any will duly admitted to probate without this state, and in the place of the testator's domicile, may be duly admitted to probate and recorded and executed in this state by filing a duly exemplified copy of said will and of the record admitting the same to probate in the proper court of this state; and such will shall then have the same force and effect as if originally proved and allowed in this state."

Considerable was said in the discussion last year regarding the various forms of probate in different states, but your committee is of opinion that the above law is comprehensive enough to conserve and protect the rights of all parties.

"Section 2. Be it enacted, etc., That whenever an appeal shall be taken from the judgment of probate or an action be filed to annul, set aside or modify the probate, the filing of copies of the record thereof in this state shall suspend until final disposition thereof the effect of the probate in this state, if such proceedings, where instituted, have that effect."

The committee presents this second section for consideration if, in the judgment of the Conference, anything more should be needed than the first section above reported.

The Committee reports that since the last Conference Mr. R. W. Williams, of Florida, a member of this committee, has departed this life, and Mr. Wm. G. Hastings, of Nebraska, another member, has resigned.

Respectfully submitted,

W. O. HART, *Chairman,*

FRANCIS M. BURDICK,

H. H. INGERSOLL,

JOHN FLETCHER,

WALTER R. LEEDS,

Committee.

REPORT
OF THE
COMMITTEE ON DEPOSITIONS AND PROOF OF STATUTES
OF OTHER STATES.

The Committee on Depositions and Proof of Statutes was directed by the Conference of Commissioners on Uniform State Laws, to become informed of the laws of all the states relative to the method of proving the statutes of other states when the proof of such statutes is required in a legal proceeding, and to prepare a Uniform Act on the subject for the consideration of the next National Conference, if such shall be deemed necessary.

Your committee after interminable delays and difficulties has been able to discover the laws of forty-eight states, territories, dependencies, and the National Government relative to the proof of foreign statutes when such proof is required in a legal proceeding. The laws of a few states were furnished your committee in response to letters for that purpose directed to the Commissioners throughout the United States, while in many instances as many as three or four letters did not produce the desired information. In such cases your committee had to ascertain the laws as best it could by examining the statutes of the various states contained in the local law library, some of which, however, were not up to date, and without the assistance of the interpretation of those laws by the various state tribunals.

Your committee, however, is happy to say that, after careful comparison of the laws of the separate states on the question involved, uniformity already exists in a marked degree, the main points of difference in the various laws being simply in phraseology and not in substance. The laws of Kansas, South Dakota, Washington, Nebraska, Wyoming, Ohio, South Carolina, California, Iowa, Oklahoma, Colorado and Tennessee relative


to the proof of statutes of other states contain provisions which are identical, while the laws of many other states differ but slightly in form without difference in effect. The law of Kansas being fairly representative of the laws throughout the union, for the purpose of showing how uniform the law is, we will take the law of that state for comparison. Section 367 of the Code of Civil Procedure is as follows:

“Printed copies in volumes of statutes, codes or other written law, enacted by any other state or territory, or foreign government, purporting or proved to have been published by the authority thereof, or proved to be commonly admitted as evidence of the existing law in the courts or tribunals of such state, territory or government, shall be admitted by the courts and officers of this state, on all occasions, as presumptive evidence of such law. The unwritten or common law of any other state, territory or foreign government may be proved as facts by parol evidence; and the books of reports of cases adjudged in their courts may also be admitted as presumptive evidence of such law.”

The above law, briefly, is to the effect that printed copies of the statutes of other states purporting to be printed by the authority thereof shall be presumptive evidence of such law. The laws of the preceding twelve states being identical with the foregoing, will need no further consideration.

The laws of Virginia, Maine, Florida, Delaware, Massachusetts, Rhode Island, Kentucky, Michigan, Minnesota, Louisiana, and Missouri are similar to the law of Kansas above set forth, with the exception that the statutes of other states are “*prima facie*” evidence of the law instead of “presumptive” evidence as the terms “*prima facie*” and “presumptive” are equivalent and interchangeable, we are justified in saying that there is absolute uniformity in twenty-three states.

In Illinois, Connecticut, Montana, Arizona, Oregon, Idaho, Utah, Texas, Alabama, Arkansas, North Carolina, North Dakota and Porto Rico the statutes of other states purporting to be printed by the authority thereof shall be received as evidence. When a statute makes any matter receivable in evidence, it is subject to the reasonable construction that such matter until contradicted shall be presumptively or *prima facie* true and is always



subject to be rebutted. This being so the provision of the law permitting the receipt of such statutes in evidence must be construed as making such statutes presumptive evidence, thus adding to the above list the immediately preceding thirteen states, making thirty-six states thus far enjoying uniformity in the matter in question.

In New York, Wisconsin and Indiana the law is the same as in Kansas, with but a slight change in phraseology, it making the statutes of other states presumptive evidence of the laws thereof.

In Mississippi, West-Virginia and Georgia the courts are permitted to take judicial notice of the foreign law which is but little different in effect from the attachment of a presumption, because in the former case the court is open to conviction as a matter of discretion, while in the latter it is open to conviction as a matter of compulsion. This makes a total of forty-two states which are now enjoying a very substantial uniformity in reference to the matter in question.

There is no statutory law which I have been able to discover in Vermont, Pennsylvania, New Hampshire, New Jersey, Hawaii and the Philippine Islands, in which states and dependencies the common law method presumably prevails of putting an expert in the foreign law on the stand to testify as to the law; while in the United States the laws of the separate states must be proved as facts (unless directly involved).

It is to be observed that greater uniformity already exists upon the matter than has yet been attained by the Conference of Commissioners during its lifetime on any question with the possible exception of Negotiable Instruments, and even that Act is constantly losing its uniform operation by alterations.

In conclusion your committee begs leave to report that a Uniform Act relative to the method of proving foreign statutes, simplified as it would have to be to meet with the approval of the National Conference is, in its opinion, unnecessary; first, because substantial uniformity exists already; second, because in those states which now have on their statute books legislation which approximates to what a Uniform Act would contain, the proposed legislation would be considered superfluous; third, be-

cause in those states which have enacted a more complex statute than we could hope to have the Conference pass, a Uniform Act would be considered inadequate and unnecessary; fourth, because there is no national demand for greater uniformity in this direction.

Respectively submitted,

CLARENCE I. WOOLLEY,

For the Committee.

REPORT
OF THE
COMMITTEE ON APPOINTMENT OF NEW COMMISSIONERS.

BOSTON, MASS., August 28, 1911.

To the Commissioners on Uniform State Laws:

On behalf of the Committee on the Appointment of New Commissioners I beg to make the following report:

Since our last Conference, notwithstanding repeated efforts to that end, Commissioners have not been appointed from the State of Nevada or the District of Alaska, leaving these still the only parts of the United States unrepresented. During the year new Commissioners have been appointed to fill vacancies caused by death, resignation or expiration of terms from the following states: Florida, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, North Dakota, Oklahoma, Texas and Vermont, and the Philippine Islands. The names of these Commissioners appear either in the Secretary's report, or in the report of the Executive Committee.

Respectively submitted,
W. O. HART,
Acting Chairman.

REPORT
OF THE
COMMITTEE ON MARRIAGE AND DIVORCE.

To the Conference of Commissioners on Uniform State Laws:

The Committee on Marriage and Divorce respectfully reports:

At the last meeting of the Conference at Chattanooga in August, 1910, a draft of an Act relating to Family Desertion and Non-Support was reported, and after full discussion and a few amendments in Committee of the Whole, was, as so amended, adopted by the Conference, and ordered printed and distributed to the Commissioners of the various states for submission and recommendation to their respective governors and legislatures as the last word of the Conference upon the subject. On December 1, 1910, six hundred copies of that Act were mailed to the Commissioners of the several states.

At the same meeting of the Conference your committee reported a tentative draft of an Act on the subject of Marriage and Marriage Licenses, which had been formally submitted to the Conference at Detroit in 1909. After full consideration and numerous amendments by the Committee of the Whole, the Conference referred the Act back to this committee, with the following instructions:

“Resolved, That the report of the Committee on Marriage and Divorce, containing a tentative draft of an Act relating to Marriage and Marriage Licenses be referred back to the committee, with instructions to further consider the same in the light of the suggestions and discussions that have taken place; that the committee be authorized, in its discretion, to annotate the suggestions and amendments, and to note the same, and to circulate the revised draft at least ninety days before the next Conference.”

The committee, therefore, requested William D. Crocker, Esq., of Williamsport, Pa., who has acted as Special Secretary of

the committee in drafting and annotating the two Acts above mentioned, to revise both the text and foot-notes of the Marriage Act, according to the amendments adopted in Committee of the Whole, and to incorporate in the foot-notes such further proposed amendments as should be submitted to him by any of the Commissioners. This was done, and a printed copy of the Act as so revised was sent by him to each member of the committee. The committee held a meeting in New York in January last, when the Act was again considered by those of the members who were able to attend in person, and by correspondence with the others.

The committee finally adopted the Act in its present form. Two or three minor differences of opinion have been referred to and explained in the foot-notes, which, together with the changes adopted by the committee at its last meeting, are subject to adoption or rejection by the Conference as its final judgment may approve.

The committee hopes and feels that this Act is now in such form as to make further changes unnecessary, and reports the proposed Act in its present form for adoption by the Commissioners.

All of which is respectively submitted.

EDWARD W. FROST,
J. R. THORNTON,
SENECA N. TAYLOR,
F. L. SIDDONS,
ROBERT SNODGRASS,
JOHN R. EMERY,
ERNST FREUND,

Committee.

(Copy of proposed Act annexed to the report having been distributed to the Commissioners, is not reprinted here.)

REPORT
OF THE
SPECIAL COMMITTEE ON THE MATTER OF A UNIFORM
WORKMEN'S COMPENSATION ACT.

*To the Commissioners on Uniform State Laws in Twenty-first
National Conference:*

The Special Committee on a Uniform Workmen's Compensation Law respectfully reports as follows:

At the Annual Conference held at Chattanooga in August, 1910, at the suggestion of the President of the Conference and on the recommendation of the Executive Committee, it was voted that the President appoint a special committee of seven to consider the advisability of forming a Uniform Law on the subject of Workmen's Compensation for Personal Injuries, and, if found expedient, to draft such a law.

The President appointed as such committee the following:

Vice-Chancellor John R. Emery of New Jersey,
Hon. Peter W. Meldrim of Georgia,
Dean John H. Wigmore of Illinois,
Aldis B. Browne, Esq. of Washington, D. C.,
Charles Thaddeus Terry, Esq. of New York,
John R. Hardin, Esq. of New Jersey, and
Hollis R. Bailey, Esq. of Massachusetts.

Vice-Chancellor Emery being unable to serve, George White-lock, Esq. of Maryland, was appointed to fill the vacancy.

The committee met in Philadelphia October 22, 1910, and organized by electing Hollis R. Bailey, Esq., as Chairman and Charles Thaddeus Terry, Esq., as Secretary.

The committee has held a number of meetings and has done a very considerable amount of work in investigating the subject of Workmen's Compensation for Personal Injuries.

The committee very early reached the conclusion that it was very desirable for the Conference of Commissioners to undertake the work of preparing a Uniform Workmen's Compensation Law.

The committee was represented by three of its members at a Conference held in Chicago in November, 1910.

This Conference was attended by members of six or seven different State Commissions appointed to draft Acts for their several states. The Conference lasted for three days, and the proceedings were afterwards printed and copies can be obtained from the Chairman of this committee.

The committee was also represented by three of its members at a Conference held in New York in December, 1910, under the auspices of the National Civic Federation. The committee was also represented at one of the hearings before the Federal Commission appointed by Congress to draft a National Act on this subject. The committee was also represented at hearings held in Boston by the Commission appointed by the Legislature of Massachusetts to frame an Act on the subject.

The committee has had a considerable correspondence with different persons throughout the country engaged in framing Acts, and has received and examined a large amount of printed matter. The committee has received much very valuable assistance from P. Tecumseh Sherman, Esq., of New York, a member of the Legal Committee of the National Civic Federation. The committee is also indebted to Charles Henry Butler, Esq., Chairman of the Special Committee appointed by the American Bar Association to consider the matter of Workmen's Compensation. It has also received valuable assistance from Walter George Smith, Esq., President of the Conference, and from Hon. William H. Staake, Chairman of the Executive Committee.

The committee early in April prepared a tentative draft of a Uniform Law, which was not printed and was distributed to only a few persons outside of the committee.

This draft was made on the theory of compulsory compensation before the decision of the New York Court of Appeals in the case

of *Ives vs. The So. Buffalo Ry. Co.*, holding the New York Compulsory Workmen's Compensation Act to be unconstitutional.

The committee subsequently decided, after very full discussion and consideration, that in view of existing constitutional and other difficulties it was not expedient to frame its tentative Act on a compulsory basis.

It has framed a tentative act upon what is called an elective basis, requiring the assent of both employer and employee before its taking effect as to either of them.

A copy of this tentative draft is hereto annexed. It is submitted in order that the Commissioners of all the states may consider it and make suggestions. All the members of this committee reserve the right to change their views as to any or all of its provisions.

The committee very carefully considered the question of framing a tentative Act based upon the principle of state or mutual insurance. They were, however, led to the conclusion that the difficulties in the way of such legislation were so great that it was not expedient to frame their tentative draft along those lines.

Ten states have passed general Acts providing for compensation to workmen for personal injuries.

These states are New York, New Jersey, Washington, Wisconsin, New Hampshire, Ohio, Kansas, California, Nevada, and Massachusetts. The law of New York, as already stated, has been declared to be unconstitutional.

Of the civilized nations of the world twenty-two, including all the principal European countries and most of the English Colonies, have enacted workmen's compensation laws. Many of these are on the basis of insurance, but in none is the right to compensation confined to cases where the injury was owing to the fault of the employer.

Some of these Acts are based upon the principle of state or mutual insurance and some on the principle of payments by the employer to the employee and his dependents.

A copy of each of the Acts passed in the United States, not including Massachusetts, has been published by the United States Bureau of Labor in Bulletin No. 92 of Volume 22.

The work thus far done has made it very evident to the committee that the subject of workmen's compensation for injuries is of too great importance and involves too far-reaching consequences to be dealt with hastily.

The committee invites suggestions from all the Commissioners, and from all others who are interested in this important subject.

HOLLIS R. BAILEY, *Chairman,*

CHARLES THADDEUS TERRY, *Secretary,*

ALDIS B. BROWNE,

PETER W. MELDRIM,

GEORGE WHITELOCK,

JOHN H. WIGMORE,

JOHN R. HARDIN,

Special Committee.

(Draft of Act omitted.)



REPORT
OF THE
PUBLICITY COMMITTEE.

NEW ORLEANS, August 11, 1911.

*To the National Conference of Commissioners on Uniform State
Laws:*

Gentlemen: Your undersigned Committee on Publicity beg to report as follows: They have endeavored during the past year, throughout the press and otherwise, to keep the public fully informed as to the work of the Conference and its purposes.

The Chairman of your committee has made addresses on Uniform Legislation in General before the Florida Bar Association, on Uniform Law of Vital Statistics before the Louisiana Health Conference, and on Uniformity of Laws on the Purity of Articles of Commerce before the National Convention of Pure Food Commissioners which met in November last. The other members of the committee have actively worked in many lines, and the members of the Conference have made addresses before legislative bodies, and otherwise furthered the work of the Conference.

Your committee has caused to be distributed to every state and territory, a copy of the book gotten out by the Conference giving the five commercial laws adopted by it, and their history, and believes that this distribution has assisted in the passage of several laws through the legislatures of some of the States, this year.

Respectively submitted,
W. O. HART, *Chairman*,
CHAS. THADDEUS TERRY,
AMASA M. EATON,
Committee.

(938)



SECOND REPORT

OF THE

SPECIAL COMMITTEE ON A UNIFORM CHILD LABOR LAW

To the Commissioners on Uniform State Laws in Twenty-first National Conference:

The Special Committee on a Uniform Child Labor Law respectfully submits this, its second report:

Since the last Conference the committee, with the assistance of the National Child Labor Committee, has carefully revised and re-written the draft of a Uniform Child Labor Law prepared and submitted by it last year to the Conference.

During the year there has been a considerable amount of child labor legislation and this has been carefully considered by the committee in preparing its final draft of an Act.

It has become evident to the committee that any legislation on the subject of child labor must, in the nature of things, be progressive, as public opinion on this subject is constantly advancing.

The Act which the committee has prepared is almost entirely based upon legislation already in force in one or more states of the Union. Most of its provisions are in force in many of the states.

The Act assumes that there already are good compulsory school laws in the states which are to adopt this Child Labor Law.

Very copious notes have been prepared and added in fine print below each section showing some of the sources of the section. It is to be noted, however, that the references to the statutes of the different states are not intended to be exhaustive or complete, but only representative. The statutes of the following states were especially used, and the references, so far as these states

are concerned, are substantially complete: California, Massachusetts, Michigan, Minnesota, Nebraska, New York, North Dakota, Ohio, Pennsylvania and Wisconsin.

A considerable number of cases are cited in the notes, which will be found helpful in considering the constitutionality of different provisions.

In various sections words will be found enclosed in brackets. Such words are intended to be suggestive only and may be varied according to local conditions.

The committee believes that this Uniform Child Labor Law, if approved by the Conference, will have its chief value as a model for legislation in those states which at present are without any law on the subject, and in those states which are revising or codifying their laws. The committee believes that the Act, if approved by the Conference, will prove very useful in shaping future child labor legislation throughout the country.

The committee hopes that final action can be taken at the coming Conference to be held in Boston.

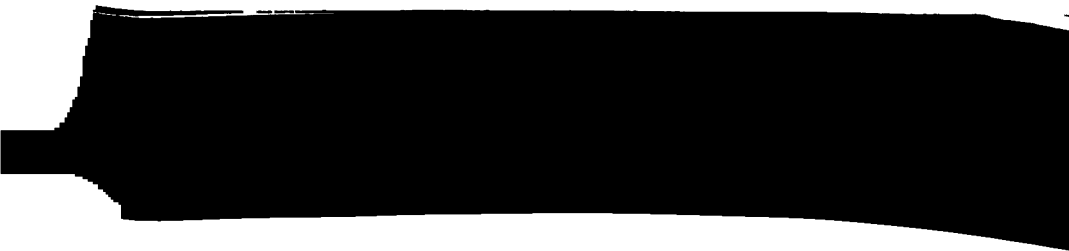
All of which is respectfully submitted.

HOLLIS R. BAILEY, *Chairman*,
AMASA M. EATON, *Secretary*,
NATHAN WILLIAM MACCHESNEY,
A. T. STOVALL,
FREMONT WOOD.

Committee.

Dated August 1, 1911.

(Copy of proposed Act annexed to the report, having been distributed to the Commissioners, it is not reprinted here.)



REPORT
OF THE
COMMITTEE ON TORRENS SYSTEM AND REGISTRATION
OF LAND TITLES.

TO THE HONORABLE WILLIAM H. STAAKE,
Chairman of the Executive Committee.

Dear Sir: As Chairman of the Committee on the Torrens System and Registration of Titles, I have the honor to report:

At the last Conference this committee was instructed to send to each Commissioner copies of the laws of New York and Massachusetts relating to the Torrens System. A few months later the Committee of the New York State Bar Association on the Torrens System reported in favor of amending the New York law in several important respects. An Act to carry out the suggestions of this report was introduced in both houses of the legislature, and is still in committee. Its advocates believe that "the present law is defective in that it makes the transfer of titles easy by offering such facilities to the accomplishment of fraud or the deprivation of property through ignorance or incompetence that it jeopardizes the title to any real property in the State of New York and puts it at the mercy of any dishonest, incompetent or ignorant examiner of titles without adequate protection to the true owner." In support of this view they cite the decision of the Supreme Court of the United States in *American Land Co. vs Zeiss*, handed down January 3, 1911, a case which arose from the Torrens Law of California.

The opponents of this amending Act declare that its effect "would be to make the operation of the Torrens System of Land Title Registration in the State of New York extremely cumbersome and expensive and thus defeat the operation of the law."

In view of this controversy over the present law of New York, the Chairman of your committee deemed it unwise to circulate

copies of it among the Commissioners, or to take any further action in the matter, until fresh instructions could be given by the Conference.

He suggests the adoption of the following resolution:

Resolved: That, the Commissioners of each state, in which the Torrens System of Land Title Registration obtains, be requested to inform the Chairman of this committee whether the System has worked satisfactorily in such state: such information to be supplied before August 1, 1912.

Respectfully submitted,

FRANCIS M. BURDICK,
Chairman.

REPORT

OF THE

COMMITTEE ON PURITY OF ARTICLES OF COMMERCE.

To the Conference of Commissioners on Uniform State Laws.

The Committee on the Purity of Articles of Commerce respectfully reports:

Three (3) states have passed practically Uniform Food Laws based upon the U. S. Food and Drugs Act since our Conference at Chattanooga, Tenn., August, 1910. These states are Montana, Idaho and Wyoming, making thirty-one (31) states in number that have now practically Uniform Food Laws.

During the past year there has been a general demand for Laws providing for Compulsory Weight Branding. The Mann-Stevens Bill, H. R. 4667, providing for Compulsory Weight Branding in Interstate Commerce, was introduced in the 62nd U. S. Congress, but due to the unfortunate confusion of the session it has not become a law. Several states, including Wyoming, South Dakota, Nevada, Connecticut and Florida have passed Compulsory Weight Branding Bills during the past year, which bills are in most instances substantially like the proposed Mann-Stevens Bill, and Nebraska and North Dakota have amended their laws on the subject to conform more nearly therewith. Many states in which such bills were introduced during the past year deferred action on the subject. In connection with legislation on the subject of pure foods, an important step has been taken during the year towards securing uniformity of food standards. The Association of State and National Food and Dairy Departments, at its Conference held in New Orleans last December, adopted the resolution that the President of the United States should be authorized by Federal Statute to appoint a commission to fix standards of food

products, to be used in the enforcement of the Food and Drugs Act. This action represents the views taken by several other similar associations interested in the subject, and it also seems wise to your committee that any movement for the adoption of uniform food standards should be first taken by the federal government, after a fair hearing of all concerned, as the subject is one that would require extended hearings and much expert testimony.

Pending any action on this subject by the federal government, both the government and the several states can well continue the present practice of using the food standards published by the United States Department of Agriculture. We would therefore again recommend that this Conference urge the Commissioners from the different states that have not done so to secure the adoption in their respective states of food laws in strict conformity with the Federal Food and Drugs Act of 1906.

WALTER E. COE,
Chairman.

**MINORITY REPORT OF CHARLES MCCARTHY AS A MEMBER OF
THE COMMITTEE ON PURITY OF COMMODITIES.**

I respectfully dissent from the report of the Committee on Commodities. I believe that the National Pure Food Law and its standards should not be imposed upon states which have laws which are more up to date or which provide for a greater purity of food products. I agree with the committee report only so far as to recommend the national law and its standards as a minimum.

CHARLES MCCARTHY.

REPORT
OF THE
COMMITTED ON CONVEYANCES.

lost, or but dimly perceived, in the cumbersome forms and precedents of the English system of conveyancing." (4 Kent Comm. p. 460.)

Until the time of Charles II, a deed was not essential to convey land. Actual livery of seisin was all that was really necessary, and this might or might not be accompanied by a short charter or deed of feoffment. This deed was short and concise, as will be seen upon examination of the form given as No. 1 of the Appendix to the second book of Blackstone's Commentaries, with the form used endorsed thereon, upon making livery of seisin. Even Blackstone, with all his reverence for established form, admitted—"it is not absolutely necessary in law to have all the formal parts that are usually drawn out in deeds, so as there be sufficient words to declare clearly and legally the party's meaning" though he goes on in the next sentence to recommend adherence to established form. (2 Bl. Comm. *298.)

But little more than fifty years later, when Kent wrote his Commentaries, he said "I apprehend that a deed would be perfectly competent in any part of the United States, to convey the fee, if it was to be to the following effect: 'I, A. B., in consideration of one dollar to me paid by C. D., do bargain and sell (or in New York, grant) to C. D. *and his heirs* (in New York, Virginia, etc., the words *and his heirs* may be omitted), the lot of land (describe it), witness my hand and seal,' etc. But persons usually attach so much importance to the solemnity of forms which bespeak care and reflection, and they feel such deep solicitude in matters that concern their valuable interests, to make 'assurance doubly sure,' that generally, in important cases, the purchaser would rather be at the expense of exchanging a paper of such insignificance of appearance, for a conveyance surrounded by the usual outworks, and securing respect and checking attacks by the formality of its manner, the prolixity of its provisions, and the usual redundancy of its language." (4 Kent Comm. *461.) In *Chiles vs. Conley's heirs*, 2 Dana (Ky.) 23, in 1834, a deed like this was upheld, the court citing Co. Lit. 7a and 4 Kent Comm. *460-1.

With such good authority for the attempt, many states of our

Union have adopted statutory forms. Frequently there are long forms and short forms for deeds in a state, both kinds having the same legal effect and differing only in fulness of expression.

The following is suggested as a draft of a Uniform Law on this subject:

UNIFORM LAW FOR THE CONVEYANCE OF LAND.

Section 1. Words of inheritance are not necessary to convey, to transfer, or to warrant an estate in fee simple by deed, but all deeds substantially in form as given in Section 2 hereof shall be construed to convey and transfer a complete estate of inheritance in fee simple, and the word "covenant" shall be construed to mean and to include that the grantor named in this deed is lawfully seized in fee simple of the premises described: that said premises are free from all encumbrances: that the grantor has good right to sell and to convey said premises: and that the grantor, his executors, administrators, heirs and assigns will warrant and defend the granted premises to the grantee named in said deed, his heirs and assigns forever, against the lawful claims and demands of all persons, even though only the name of the grantor and of the grantee be stated, unless a contrary intent is made manifest.

Section 2. Such a deed may be substantially in the following form:

I.....of.....in consideration of by me received fromof.....do hereby convey (covenant and warrant*) to the said the following described real estate.....

In witness whereof I have hereunto set my hand this day of, A. D.

In the presence of

2. *As to Uniform Notarial Acknowledgments.*—The committee call the attention of the Conference to the following facts:

The First Conference of the Commissioners on Uniformity in State Legislation was held at Saratoga Springs, New York, August 24 and 25, 1892. Quoting from page 5 of the report of the Conference, we find: "The first subject to which the Con-

* These words may be omitted when the conveyance is to operate only as a quit claim.

ference gave its attention was the uniformity in the execution and acknowledgment of written instruments or deeds.

"Great expense and trouble are now caused by the fact that the forms of execution and acknowledgment of deeds to real estate vary in all the states, so that the lawyer who sends a deed for execution out of his state rarely has it returned to him in a form which will make it valid within the state where the land lies. This leads to much expense and delay in the most ordinary cases of conveyances, to say nothing of the uncertainties of title. The matter was debated in full, and as a result the Conference adopted the following draft of an Act, and hereby recommends it for adoption in all the states and territories of the United States. It follows the law generally prevailing, so far as possible, but gives always preference to the simplest form:" (Here follows "An Act relating to Acknowledgments on Written Instruments," consisting of two sections.)

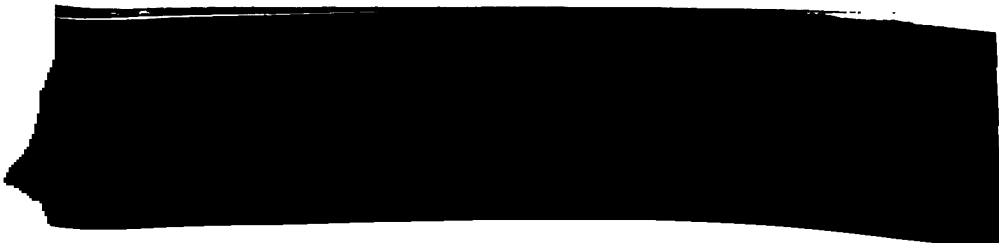
The second Conference was held in New York City, November 15 and 16, 1892.

In January, 1903, Henry R. Beekman, Chairman of the Conference, issued a report entitled "Conference of Commissions for the Promotion of Uniformity of Legislation in the United States. Forms of Bills Recommended and Resolutions Adopted." The above Uniform Law is reprinted on page 3, but four more sections are added, and on page 6 there follows "An Act Relating to the Sealing and Attestation of Deeds and Other Written Instruments."

In anticipation of the next meeting to be held in Milwaukee, the New York Commission, under date of August 10, 1893, caused the record of the action of the Conference held at Saratoga Springs, August 24 and 25, 1892, and of the Conference held in New York City November 15 to 16, 1892, to be printed and distributed in advance of the meeting "in the hope that it will be of service to the Commissioners in their deliberations."

Both these Uniform Laws may be found on pages 3, 4, 5, 6 of that report.

The Fifth Conference was held at Detroit, Mich., August 26



and 27, 1895. The above described Uniform Laws may be found on pages 23, 24, 25 and 26 of the report of this Conference.

They were again reprinted, pages 14, 15, 16 and 17 in the Report of the Sixth Conference held at Saratoga Springs, New York, August 15, 17 and 18, 1896; on pages 22, 23, 24 and 25 of the Report of the Eighth Conference held at Saratoga Springs, New York, August 15, 16 and 17, 1898; on pages 16, 17, 18 and 19 of the Report of the Tenth Conference held at Saratoga Springs, New York, August 25, 27, 28 and 29, 1900; on pages 22, 23, 24 and 25 of the Report of the Eleventh Conference, held in Denver Springs, Colorado, August 19 and 20, 1901, and on pages 33, 34, 35 and 36 of the Report of the Twelfth Conference held at Saratoga Springs, New York, August 25 and 26, 1902. Since then the time and attention of the Conferences have been fully taken up with the consideration of our Uniform Laws Relating to Commercial Matters.

These forms of acknowledgment may also be found in part on pages 1 to 4 of Jones' Legal Forms, together with a statement of what states have accepted our forms, in whole or in part.

Your committee submits that this summary of the consideration already given by our various committees to this subject and the two Uniform Laws that have been adopted by our Conference, and that have been so persistently recommended by us to the various state legislatures for adoption show conclusively that there is nothing left for this committee to consider or to recommend on the subject of acknowledgment, execution or the sealing of deeds. It only remains for the Commissioners on Uniformity of State Legislation to secure the adoption of these forms by the legislatures of the states they represent in this Conference in those states where they have not been adopted.

It is very difficult to treat adequately the question of uniformity in mortgages because the form of mortgages and the procedure upon foreclosure differ so greatly in different states. In some states, such as Alabama, District of Columbia, Massachusetts, Michigan, Minnesota, Missouri, New York, North Carolina, Rhode Island, South Dakota, and Virginia, mortgages contain powers of sale in case of default. In several states

such mortgages are not in use, because statutes provide that mortgages shall be foreclosed by suit in the nature of an equitable proceeding, as in Alaska Territory, Arizona, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Nebraska and Nevada. In other states mortgages with powers of sale are not common, though sometimes used, as Arkansas, California, Connecticut, Delaware, Florida, Georgia, Maryland, Maine, New Hampshire, New Jersey, Ohio, Oregon and Vermont. Some states have adopted statutory forms of mortgages, while others have not.

In this conflict of law, custom, and procedure as to mortgages, their foreclosure and their release, your committee is of opinion that the matter is too complicated and too subject to differences as to form and procedure in the various states for these Commissioners to undertake now to bring them into uniformity.

For the same reasons the other subjects referred to your committee for consideration (3) Uniform Probate Laws Referring to Real Estate, especially, and (4) Uniform Law Regarding the Filing of "Lis Pendens" on real estate, do not now call for the consideration of our Conference, in the opinion of your committee.

For the committee,

AMASA M. EATON,

Chairman.



REPORT
OF THE
COMMITTEE ON CONGRESSIONAL ACTION.

Honorable William H. Staake, Chairman of the Executive Committee, Conference of Commissioners on Uniform State Laws, 648 City Hall, Philadelphia.

My dear Judge: Responsive to your call upon me as Chairman of the Committee on Congressional Action, which I received today, I beg to report that Congress has adopted (1) a Uniform Act Relating to Bills and Promissory Notes (2) Warehouse Receipts. The Uniform Sales Act is next in order. It is pending, but action was not possible during the last short session. At the present extra session legislation of this kind is not being considered, under the caucus rule of the House. I hope to get the bill up for action at the next regular session. Uniform Acts adopted at the last meeting of the Conference relating to the proof and probate of wills should also then be pushed.

Yours very truly,

A. B. BROWNE.

REPORT

OF THE

COMMITTEE ON UNIFORM INCORPORATION LAW.

All of the states of the Union, except Nevada, the territories, District of Columbia and the island possessions, now have commissions for the purpose of promoting uniformity of legislation in the United States. The Commissioners on Uniform State Laws are appointed by the Governors usually, in pursuance of legislative enactments, respectively, of the different states.

It is the duty of these Commissions to examine subjects upon which uniform legislation is desirable, to ascertain the best means to effect the same and to represent the states respectively in annual conference or congress of all the state commissions, for the purpose of considering, drafting and recommending uniform laws for adoption by the legislatures of the several states.

The first step toward creating such state Commissions on Uniform Laws was taken by the American Bar Association in 1889, when it appointed a committee on Uniform Legislation in accordance with one of the cardinal objects of its constitution, namely, "to promote uniform legislation through the Union." This committee reported that the best means to accomplish the object in view was by the creation, by the different states of the Union, of Commissions on Uniform State Laws.

The great State of New York took the initiative, and its General Assembly, in 1890, created a Board of Commissioners on Uniform State Laws, and invited the other states of the Union to do likewise, and to meet in annual conference to consider the subjects upon which uniformity was desirable and promote legislation in reference thereto. Other states followed in rapid succession in creating like commissions, and annual Conferences have been held since 1891. In 1896 the final draft of the Negotiable Instruments Act was adopted by the Conference, and the following year was enacted into a law by several states. It is now the law in forty states, including District of Columbia, Hawaii and the Philippine Islands.

The other Uniform Commercial Bills which have been recommended by the Conference for enactment into laws by the legislatures of the several states are on Warehouse Receipts, Sales, Bills of Lading and Stock Transfer.

The Uniform Warehouse Receipts Bill has been adopted and is now in force in twenty-two states of the Union; the Sales Bill in ten; Stock Transfer in five, and the Bills of Lading in seven. The latter was presented for the first time during the sessions of the legislatures this year. The Conference has also recommended the Uniform Divorce Bill, which has been adopted in three states, Uniform Wife Desertion Bill and Execution of Foreign Wills Bill.

At the annual session of the Conference at Chattanooga, Tennessee, August, 1910, the Committee on Uniform Incorporation Law made its report and presented the first tentative draft of a bill prepared by Mr. Charles Thaddeus Terry, Secretary of the Conference and a member of the committee. Mr. Terry also prepared annotations on the various sections of the proposed Act and a digest of the corporation laws of the different states of the Union. The tentative draft had been printed and distributed among the members of the Conference and others for suggestions and criticisms long prior to the meeting of the Conference.


The Conference, at that session, took up the draft section by section, together with the suggestions and criticisms which had been presented and, after a full and able discussion, suggestions and amendments, adopted the twenty sections of the tentative draft, as amended, and referred the same to the committee with instructions to report a second tentative draft at the next Conference.

The Chairman of the committee called a meeting of the committee in New York at the office of Mr. Terry on the 16th day of January, 1911. There were present at this meeting of the committee Mr. Arvine, of Connecticut; Mr. Terry, of New York, and the Chairman, Mr. Richberg, from Illinois. Mr. Shepard, being unable to be present, kindly sent his suggestions and views to the committee. The committee has completed the draft of the proposed Act and distributed the second tentative draft to each member of the various state Commissions and to others for criticisms

and suggestions. It will make its report at the next Conference, when the second tentative draft will be considered.

At the present time each state has its own incorporation laws, under which the corporations act respectively. The corporations, as a rule, are engaged both in state and interstate commerce. The question as to whether Congress has power to legislate in reference to corporations engaged in interstate commerce has passed beyond the borders of discussion. It is now admitted that Congress has such power and it is simply a question of time when Congress will enact a law in reference to corporations engaged in interstate commerce. Such action, of course, cannot affect corporations engaged in purely domestic (state) commerce, though at this stage of our national progress the great bulk of the business of commercial and industrial corporations is carried on beyond the state line.

While the Commissioners on Uniform State Laws for the first decade of their existence did not attract much attention, yet within the last five years a widespread interest has been taken by the various commercial and industrial business interests in their advocacy of uniform legislation, largely due to the effective work of the commissioners in calling attention to the necessities of uniform legislation. In fact, within the last three years numerous associations of industrial and commercial bodies, in their various organizations, created standing committees on uniform laws, which they deem desirable to have enacted in the different states in reference to their own enterprises. The National Civic Federation, a body of great power and influence, has, within the last three years, taken up the subject and given to it its hearty support, and to such an extent that it called a convention, to be held in Washington, under its auspices, January 17-20, 1910, inviting the Governors of the various states of the Union and representative commercial and industrial associations to appoint delegates to such convention, called in the interest of uniformity of legislation. At this Convention every state of the Union was represented by delegates appointed by the Governors thereof and delegates from numerous powerful commercial and industrial associations. At this Convention the work of the Conference of Commissioners on Uniform State Laws was unanimously en-



dorsed and the bills promulgated by them recommended for adoption by the legislatures of the different states of the Union.

It is by and through the work of these Commissioners for upwards of twenty years that a healthy public sentiment has been created that desires, and seeks to obtain, statutory unity, rather than diversity, in matters of common interest to all. In order

PROCEEDINGS
OF THE
THIRD ANNUAL MEETING
OF THE
AMERICAN INSTITUTE OF CRIMINAL LAW
AND CRIMINOLOGY
HELD AT
BOSTON, MASSACHUSETTS
August 31, Sept. 1, 2, 1911.

OFFICERS OF THE INSTITUTE

1910-1911.*

President.

NATHAN WILLIAM MACCHESNEY, of the Chicago Bar, Commissioner on Uniform State Laws; Judge-Advocate, Illinois National Guard; sometime Vice-President Illinois State Bar Association.

Vice-Presidents.

WILLIAM H. DELACY, Washington, Judge of the Juvenile Court.

EDWARD T. DEVINE, New York City, Professor of Social Economics in Columbia University, and Secretary of the Charity Organization Society.

JOHN D. LAWSON, Columbia, Dean of the Law School of the University of Missouri.

ADOLF MEYER, Baltimore, Professor of Psychiatry in Johns Hopkins University.

CHARLES F. AMIDON, Judge of the United States Court for the District of North Dakota.

Treasurer.

BRONSON WINTHROP, New York City, member of the New York Bar.

* For a list of the incoming officers, see p. 997 in this volume.

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Secretary.

HARRY E. SMOOT, of the Chicago Bar.

Executive Board.

AMOS BUTLER, Indianapolis, Ex-President of the American Prison Association.

FREDERIC B. CROSSLEY, Chicago, Librarian of the Gary Library of Criminal Law and Criminology.

CHARLES A. ELLWOOD, Columbia, Professor of Sociology in the University of Missouri.

EUGENE A. GILMORE, Madison, Professor of Law in the University of Wisconsin.

HARRY OLSON, Chief Justice of the Municipal Court of Chicago.

ARTHUR W. TOWNE, Albany, N. Y., Secretary of the State Probation Commission.

JOHN H. WIGMORE, Chicago, Dean of the Northwestern University Law School; Chairman of the Executive Board.

WILLIAM HEALY, Chicago, Director of the Juvenile Psychopathic Institute.

ROSCOE POUND, Cambridge, Professor of Law in Harvard University.

FREDERICK W. LEHMANN, St. Louis, Ex-President of the American Bar Association.

JAMES W. GARNER, Urbana, Managing Editor of the Journal of Criminal Law and Criminology.

HARVEY C. CARBAUGH, Editorial Director of the Journal of Criminal Law and Criminology.

The third annual meeting of the Institute was held at Boston, Mass., August 31 to September 2, 1911. The headquarters of the Institute were in the Hotel Brunswick, and the meetings took place in the rooms of the Massachusetts Institute of Technology, Rogers Building and Walker Building.

FIRST SESSION.

The meeting was called to order at 2.30 P. M. on Thursday, August 31, by the President, Nathan William MacChesney, of Illinois.

The President introduced Governor Eugene N. Foss, of Massachusetts, who in welcoming the Institute to Boston, spoke in part as follows:

"Naturally a layman like myself hesitates to address you on a subject that you have made your life study, and I can

only hope to do so as a means of putting before the people of the state the urgent need of enforcing the latest known methods of penal and correctional treatment.

"In Massachusetts, as in other states, it seems to me that far too much stress is laid on long term punishment and far too little on correctional measures. In my inaugural message I urged that immediate steps be taken to prevent such a large and increasing number of persons from losing the power of self-support through their mental or moral or physical sickness. By moral sickness I mean to include all sorts and kinds. I think that the healthy man, well educated and employed and free from inherited taint, has very little incentive to crime. With the hopeful progress that is being made in the study of heredity and with the present satisfactory conditions of public health, the average man now starts in life with a pretty fair chance. Our jails and prisons are not crowded with defectives, nor with a second generation of criminals. They are filled with unfortunates, who have fallen once, often through accident, and who never again get firmly planted on their feet. For such men, victims of their own memories or conditions, there must be some hope or cure; yet the study of jail commitments here or in other states, shows a terrible record of second commitments. Men get out of jail or prison; but the original taint is now added to the taint of prison, and they come back to confinement with less effort at self-restraint than they used at first. Now, gentlemen, the medical world would rise up as a body to condemn any method of medical treatment which left a patient more liable to a recurrence of a disease than he was to its first attack. Yet everywhere men are being sent out of prison, with the prison pallor on them, penniless, weakened in body by prison conditions and broken in spirit by the withdrawal of all hope, ambition and self-confidence. They have been trained by prison discipline, but it is a discipline which is, in itself a punishment, and does not fit them for the conditions they must face when they are again free. They have moved by iron rules; been regulated like clocks, but not encouraged as men or stimulated to take up the personal responsibilities of self-supporting and self-respecting freedom. When a man gets well of a fever, even the clothes he wore are burned. But when a man gets out of jail, the arm of the law hangs over him like a policeman's club, and he never again has a chance to be quite a man, with the taint of prison quite removed. From the very instant he enters the prison walls he is different from his fellows. The law seizes upon him,

measures him up and labels him and he becomes—not a man working out his own reformation—but only No. 110 in the second row of cells.

“I have been wonderfully impressed by the success of Judge Lindsey’s Juvenile Court in Denver and by similar humane methods which have been applied in other western cities. You are aware that in some places criminals are sent to jail with no guard, going freely on their honor, and that even when they reach the jail they find no guard waiting to shoot them down, but are given a chance to test their own manhood, given a chance to live in a wholesome place, with sun and air. There is every incentive to gain their own self-respect. I realize that these measures are extreme and radically opposite to the customary prison method, and it may be necessary to proceed cautiously in following them. But they have proven effective, and they promise not only hope of betterment, but the only hope of betterment that I know of. We can begin to work towards that by gradually abolishing our city prisons, with their dark and cheerless interiors, and by building our future houses of correction out in the country, where the sun and the wind can get in and where all the men who do not forfeit such right can work in an open field. There is nothing dangerously radical in this plan; for surely it does not help a criminal’s reform to take the color of health out of his face and the strength and elasticity out of his muscles through confinement in stone cells.

“Gradually the idea is growing that crime is not only to be punished, but to be cured. Not merely punished after it shows, but forestalled and headed off before it gets a hold. We are beginning to realize that the only power we have in the world that amounts to anything is the power of self rights, manhood and womanhood. Probably no child ever went forth from his mother’s arms into the world that did not have at least a streak of that power in him; and we are beginning to see that it is the function of our courts and our correctional institutions to foster that streak and never snuff it out. I want to ask every one of you to take an active hold of these practical matters of public policy and to watch personally the attitude of the courts, wherever you live. As professional men from different sections of the country, you have in your power to compel reforms, to arouse public interest and to plead for improvement wherever you find a judge or a jailer who is not human-hearted in the discharge of his duty.

“And again, I hope to see a wider use of the indeterminate

sentence. I believe it is the very essence of good policy when wisely used. Take the case of a man who is sent up for some small offense by a rigorous court. He looks at the judge, and remembering some similar case where only a few weeks were imposed, he hopes for sympathy and a square deal. It is enough to freeze the heart in him when he hears a sentence of ten years imposed. Instantly he feels that all men are against him; and the chances are that the thought of murder is formed in his heart for the first time, and he feels himself to be the victim of unequal justice. When he does get out it is only to prey upon society and get revenge for what he believes his wrong. An indeterminate sentence causes hope instead of despair to spring up and the criminal is led to believe that his future is partly in his own hands. That helps to keep his hope and self-respect from dying out, and although he is none the less a convict, he has a fighting chance to regain the ground he has lost.

"There is one more matter of importance that I must refer to, but briefly, and that is the matter of prison-work. No man, even with his full freedom, can long remain healthy and happy unless he has work to do; not grinding, dogged work, but interesting, successful and helpful work. It may represent a very small daily profit, but it makes little difference, provided it furnishes material for the body and mind to work, or suffices for his support. And I fail to see why the same is not true of the man in prison. He may not be able to roam about; but at least he ought to be able to do something, within the limits of his ability, which will produce results. The work forced upon him might be so foreign to his personal bent as to be only an added punishment, but every man in prison or out, who is worth thinking about, wants some sort of work, and will do it if he gets a chance. Therefore, I hope to see the reformation of prisoners helped by more general and useful activity, considered as a natural means of helping them attain the result. Too often prisoners are regarded only as a financial help to the institution, and men are often forced to do work as part of their sentence and not as part of their cure. Too often, in one state and another—we in Massachusetts are not wholly to blame—the labor of the prisoners is donated, as something without value, to an agent or a contractor. Work done under these conditions is a curse and not a cure. It is necessary, if we are ever to have in America a sane and helpful system of criminology, that all able-bodied prisoners be given an opportunity to work at something that will help restore their sense of usefulness

and responsibility. Even if a man never gets out of jail he will live and die a better man for simply being busy at some simple thing which he can do well. Now, such a proposition must be considered from the most level-headed viewpoint; there must be nothing visionary or sentimental about it. It is a clear-cut matter of what might be called medical treatment applied to the moral nature of a man, and yet it has very practical limitations. No prison industry ever ought to come in competition in the markets with the labor of free men, as is often the case. The safe middle ground is to use the labor of our prisons and reformatories to create merchandise to be used in all public and charitable institutions where it will never reach the market at all. That system is succeeding in New York State, and I understand it has the hearty endorsement of the laboring men of the state. We have fragments of the system here in Massachusetts, and I hope to see it applied uniformly throughout the institutions to the exclusion of the other method.

“And now I want to propose to you only one further point, and that is, that some definite scale of value ought to be fixed for prison labor, in accord with the individual's ability. The prisoner ought to know that what he does actually counts for something of definite value. That is the best moral incentive he could have to do still better. That helps to make a man of him, if he has not already gone or been forced too far down. And I am not proposing for a moment that any prisoner should receive cash wages; but if he earns a profit above the cost of his keep, the money can be used to his advantage. For instance, a fund can be built up to help him re-establish himself when he gets out; or if he has a family, something can be paid to keep that family together while the man is in confinement. I can imagine nothing that would give hope and courage to any sort of a man so much as a feeling that he had not lost his usefulness, even though he had his liberty. I think nothing would help a family man so largely to feel that though he had fallen, he was still the husband and father of a family, working for them and for a chance to regain his standing in the community where he lived.

“Now, gentlemen, I have barely touched upon these points, but I believe they have to do with the very foundations of society, and that it rests upon us, our professional classes, our judges, our lawyers, our criminologists, to follow up these reforms. The medical profession not only concentrates itself upon the cure of disease, but upon its prevention, and the same thing must be done with all moral professions. We must get

at the future criminal in the very conception of his acts and seek to keep the spark of his self-respect alive rather than push him on by breaking down his manhood."


The President then appointed Edwin R. Keedy, of Illinois, the Secretary of the meeting. The President then appointed the following committees: Committee on Resolutions, William H. DeLacy, of Washington; Julian W. Mack, of the Federal Court of Commerce; Wallace Batcheller, of Vermont; E. A. Gilmore, of Wisconsin; Charles A. DeCourcy, of Massachusetts, and Sigmund Zeisler, of Illinois. Committee on Audit of the Treasurer's Report, Edwin R. Keedy, of Illinois; Frederic B. Crossley, of Illinois, and H. S. Richards, of Wisconsin. Committee on Nominations, John H. Wigmore, of Illinois; Wilfred Bolster, of Massachusetts; Frederick W. Lehmann, of Washington; Roscoe Pound, of Massachusetts, and William E. Mikell, of Pennsylvania.

The President then read his annual report, surveying the work of the Institute during the year. The report in part is as follows:

THE PRESIDENT'S ADDRESS.

Present Meeting.—We are now gathered in the Third Annual Meeting of the American Institute of Criminal Law and Criminology. The first national conference ever held in this country on this subject was called in celebration of the fiftieth anniversary of the founding of the Northwestern University School of Law and was held in Chicago in June, 1909.

History of the Institute.—Many of those now present were present at that first national conference, which was composed of invited delegates who were nominated by the Governors of the several states, the chief justices of the several states and the federal district judges, together with the chief justices of the principal courts in the District of Columbia. The various states and territories were represented in that first conference, several of them officially, and the interest taken in the general subject was wholly gratifying to the committee of organization in charge of its call. That committee made a request for suggestions as



to topics to be considered, which were afterwards submitted to the conference and which were one hundred and thirty-five in number. These various topics formed the subjects for discussion of the three sections into which the conference was divided for the purpose of such consideration:

1. Treatment (penal and remedial) of offenders.
2. Organization, appointment and training of officials.
3. Criminal law and procedure.

These sections were divided into separate committees for the discussion of the topics referred to such sections. After discussion by the committees, and of the reports of such committees by the various sections, reports were made back to the conference itself upon the work accomplished.

The Committee on Resolutions recommended the establishment of a permanent organization under the name of the American Institute of Criminal Law and Criminology, whose object should be to further the scientific study of crime, criminal law and procedure, formulate and promote measures for solving problems connected therewith, and co-ordinate the efforts of individuals and of all organizations interested in the administration of certain and speedy justice. That committee also recommended the translation of important foreign treatises on criminology, the establishment of a Journal and the appointment of committees to co-operate with other organizations, among other of its recommendations. All of these recommendations were adopted and various committees were provided for carrying out the work of the organization during the coming year.

The distinguished Dean of Northwestern University Law School, Hon. John H. Wigmore, was elected the first President. During the first year, under his able, enthusiastic and resourceful guidance, the Institute was established on a firm basis. The publication of the Journal, the first of its kind in the English language, though most other civilized nations already had such Journals—three of them being published in

South America—was successfully undertaken, and the committee work was carried on during the year in accordance with the aims and instructions of the first conference.

A year ago the second annual conference was held in Washington, in connection with the International Prison Congress, at which time Mr. Wigmore reported the progress of the Institute during the year, and the various committees reported, showing that already the Institute had fully justified its creation, and showing that there was a real interest in and need of an organization devoted primarily to the problems connected with criminal science. At that meeting I had the honor of being elected your President, and, as I stated at that time, I undertook as my task the completion of the organization of the Institute itself, the vigorous carrying out of the work of the Institute already proposed, and the further organization of state societies. . . .

Need for the Institute.—The vast number of problems suggested in connection with the general subject of crime, the formulation and administration of the criminal law and the contributory sciences which may properly be included under the term of criminal science or criminology show to any observer the absolute necessity for an organization composed of men of scientific training and public spirit who are capable of and willing to devote themselves unceasingly to the solution of these problems. Such an organization is the Institute, both in its national scope and in its state societies, formulating for discussion as no single group of men could do the various problems, putting them before the country in a way that attracts attention to their importance in a manner unprecedented and bringing together organized groups of scientific men whose conclusions are entitled to weight in the country at large, as well as in the communities in which they live.

The Journal of Criminal Law and Criminology makes available to the general reading public the results of this work, and the methods of work pursued by our committees make sure that whatever is undertaken will be considered from every point

of view, and that the results are worth publication and worthy of weight.

Before the organization of the Institute the judges, lawyers and penologists, the alienist, sociologist and social reformer, each and all considered each topic of interest to their particular field, only from its own standpoint, with the result that the conflicting ideas, all announced by men of eminent standing, confused the public and led to stagnation rather than to progress. The grouping of men representing these various fields of work in a single organization, representing them on the various committees touching their fields, brings to bear on a given topic the combined knowledge of a subject and the results in concrete proposals upon which general agreement may be secured and which may be placed before the public with some hope that real progress may be made.

Progress During the Year.—The Institute during the past year has accomplished much, and I desire to call your attention to some of the more salient features of the year's administration.

1. The organization of the Institute has been completed. It has been incorporated as a "corporation not for pecuniary profit," and the formal matters connected with its plan of organization have been worked out.

2. Problems connected with the publication of the Journal have been largely solved, and it is now on a permanent and satisfactory basis. A large share of the credit in this connection belongs to Dr. James W. Garner, its distinguished and able editor, and to Colonel Harvey C. Carbaugh, its tireless editorial director. The September number of the Journal will announce the retirement of both Professor Garner and Colonel Carbaugh, U. S. A., from these positions, and I want to add to what is said by way of appreciation of their services to it and to the Institute in the Journal my own personal sense of appreciation of the great service which has been rendered by them to the Institute and the cause which it represents.

The Journal will be continued, commencing with the November number, under the editorship of Professor Robert H.

Gault, of the Northwestern University, and the direction of Frederic B. Crossley, Esq., of the Elbert H. Gary Library of Law, as its managing director. Your President and the Executive Board feel that with these men in charge of the Journal, it has yet a wider usefulness in store for it.

3. It has been the endeavor of your President, so far as possible, to stimulate work throughout the year on the part of both your section and general committees. To this end he has kept in as close personal touch as possible with the Chairmen of the various committees and carried on considerable correspondence with them. In order also that he might be sure that the committees were working along the lines desired, and that something was being accomplished, he requested in the middle of the year that preliminary reports be made upon what the committees had so far done in the lines along which their work was proceeding, and what, so far as the Chairman could forecast, would be the probable recommendations of the committee in its final report. Nearly all of the Chairmen furnished such preliminary reports. Since that time, some sixty days before the present meeting, every Chairman was requested to furnish a copy of the final report of his committee to the President in order that he might be able to report to you somewhat of their work for the year and be in position to recommend intelligently to you what course of action should be taken with reference to their reports at the present meeting. Practically all of the committees have responded to this final request and I beg herewith to submit to you briefly a résumé of such reports of the various committees.

Committee (A) System of Recording Data Concerning Criminality.—This committee, charged with "Investigation of an effective system for recording the physical and moral status and the hereditary and environmental conditions of delinquents, and in particular of the persistent offender; the same to contemplate in complex urban conditions, the use of consulting experts in the contributory sciences," reported at the Washington conference a system for the recording of such data, which was adopted by the Municipal Court of Chicago at once as its standard for the col-

lection of such statistics. It was felt by the committee, however, that the system then presented was too extensive for use in connection with the courts, as time would not permit of the collection of such exhaustive information. The committee, therefore, was continued under the chairmanship of Hon. Harry Olson, chief justice of the Municipal Court of Chicago, with instructions to report a minimum system for the recording of such data. The complete system can be used very satisfactorily in penal institutions where time for full study can be given, but the idea is that some system should be worked out giving the minimum amount of information necessary for use as a working basis in connection with judicial proceedings. The committee will report on such a system at the present meeting and your President recommends that the committee be continued for another year for the completion of the minimum system, the working out of plans for its effective use and of a general scheme for the correlation of the data so obtained.

Committee (B) Insanity and Criminal Responsibility.—This was a new committee created at the Washington meeting charged with the duty of working out some scientific solution of the grave problems connected with this subject and presenting them for the consideration of this conference. Prof. Edwin R. Keedy, Professor of Criminal Law at the Northwestern University Law School, was appointed its Chairman. The committee has done a vast amount of work during the past year under the earnest and careful leadership of Professor Keedy. They have considered particularly the constitutionality of any changes of procedure in the trial of the issue of insanity and are of the opinion that the following phases of the subject are the ones that most strongly demand attention at the present time:

1. Theory on which mental derangement can be a defense to a criminal prosecution.
2. Method of securing physicians' opinions of the mental condition of the accused at the time he committed the criminal act.
3. Form and effect of the verdict when the jury is of the opinion that the accused at the time of the commission of the criminal act was so mentally deranged as not to be responsible for the act committed.

Your President recommends the continuation of this committee for further investigation of this subject during the coming year.

Committee (C) Judicial Probation and Suspended Sentence.—This committee was charged with the "Investigation of the most desirable methods of establishing and extending the allied measures of adult offender's probation and of suspended sentence, including the consideration of the results of such measures as heretofore used." This committee in its present form was created at the Washington conference as a result of the Chairman of the previous committee recommending that the question of judicial probation and release on parole should be divided. Hon. Wilfred Bolster, of Boston, chief justice of the Municipal Court of Boston, was appointed its Chairman. The committee during the year has had under way a further consideration of its report of last year, and has endeavored to secure the fullest possible criticism of that report, with the idea of further developing the subject and the submission of conclusions to the present meeting of the Institute. To this end, it has distributed its last report to the judges and district attorneys having to do with adult probation, together with an elaborate list of questions covering the various aspects of probation and suspended sentence. They have endeavored to obtain a full list of all interested parties to whom such inquiries might be sent, printing, if necessary, copies of the report to that end, and have spent a great amount of time in the preparation of the list of questions included.

Your President recommends the continuation of this committee for the coming year.

Committee (D) Organization of Courts.—This committee was charged with "Investigation of the possibilities of the unification of the state and local courts, so as to do away with the burdensome cost of transcripts, bill of exceptions, writs of error, and so forth, allowing the appellate tribunal to pass upon and use the same papers and the original evidence and comments used at the trial and to take further evidence on formal matters or matters not controvertible for the purpose of upholding judgments." Hon. Roscoe Pound, formerly of the Supreme Court of Nebraska, and now professor of law in Harvard University, was appointed Chairman

of this committee. Professor Pound has devoted the energies of his committee largely to the accumulation of the necessary data, and will report upon the result of that work at the present meeting.

Your President recommends the continuation of this committee for another year in order that this work may be completed.

Committee (E) Criminal Procedure.—This committee was charged with the “Investigation of the feasible methods (1) simplifying pleadings in criminal cases, (2) eliminating unnecessary technicalities in the procedure of appeals and reversals of judgment in criminal cases.”

Hon. John D. Lawson, Dean of the University of Missouri Law School, was appointed its Chairman.

This committee held a meeting at St. Louis, Mo., on December 29 last, at which they formulated certain definite recommendations, nine in number, which are as follows:

1. Urges the appointment of a commission to revise and simplify the various codes of criminal procedure. . . .

7. That the law be so amended as to provide that a motion for new trial be required to be filed within _____ days after the verdict unless further time be allowed by the court for good reason, and unless acted upon by the court within _____ days, it shall be considered to be overruled and, if overruled, the defendant shall be expected to state in open court whether he desires to appeal or not, and if he appeals, the clerk shall transmit to the appellate court the entire record without expense to the defendant, and notify the defendant thereof promptly. No bill of exceptions shall be necessary, but the official stenographer or clerk of the court shall set out such objections and exceptions as were taken in the trial and all the proceedings therein including the instructions. Criminal appeals shall be given priority over all civil suits.

[The other recommendations will be found on p. 29 *post.*]

Your President calls your attention particularly to recommendation No. 1 with reference to criminal code and recommends the continuance of this committee for another year,

charged with the duty of preparing a tentative draft of a uniform law for a criminal code, with power to instruct Executive Committee to secure the necessary funds and employ competent draughtsmen.

Committee (F) Indeterminate Sentence and Release on Parole.—This committee was charged with the "Investigation of the most advisable method of establishing and extending the measures of parole and of indeterminate sentence, including a consideration of (1) the results of such measures as hitherto used, (2) the organization of boards of pardon and parole, and (3) the correlation of such boards and officers with courts and court methods."

Albert H. Hall, Esq., of the Minneapolis Bar, and Chairman of the American Prison Association Committee on Law Reform, was appointed Chairman of this committee. It has held a number of meetings and has assigned specific topics to various members of the committee for investigation, including a plan for a new classification of criminals and convicts, special reference to indeterminate sentence, and a model plan for the organization of parole work and oversight of discharged prisoners. The committee has also been instrumental in securing legislation along these lines in the various states, particularly in the state of Minnesota.

Your President recommends the continuation of this committee for another year.

Committee (G) Crime and Immigration.—This committee was created under a resolution of the Washington conference, "That there be appointed a Committee on Crime and Immigration whose duty shall be to investigate and report upon the subject of the alien and the courts with special reference to treaty rights; status under the various state laws; procedure, including interpreters, appeals, etc." Gino C. Speranza, Esq., of the New York Bar, and a member of the New York State Immigration Commission for nine years, was appointed Chairman of this committee. The committee has had under consideration an offer made by the North American Civic League of New York through the courtesy of Miss Kellor, a member of this committee, to

provide two assistants of the Research and Legislative Committee of the league to co-operate in the ascertainment of certain facts regarding aliens in our courts. The Chairman has devoted his primary attention to the subject of the treaty rights of aliens and will make a report on the subject at this meeting, particularly with reference to the extension of the application of treaty provisions to the immigrant class, in our country, and appended to their report is a detailed outline of the subject of "The Foreign Born in the Court" which is extremely suggestive.

Your President recommends that this committee be continued for another year.

Committee No. 1. Co-Operation with Other Organizations.—This committee was created for the purpose of bringing into closer relations the American Institute of Criminal Law and Criminology and the various organizations connected with the investigation of the various subjects of interest to it, and more particularly the organizations which would be in position to make use of and carry into effect the recommendations of the various committees of the Institute. It is also desired to bring the American Institute into some relation with the various states and the federal government in such a way as to transmit the work of this Institute to the officials thereof for their information and consideration. Dr. Charles R. Henderson, retiring President of the International Prison Commission, was appointed Chairman of this committee, but owing to his absence in Europe, Hon. W. O. Hart, Louisiana Commissioner on Uniform State Laws, was appointed acting Chairman and has carried on the work of the committee during the year with tireless energy, with the result that the American Institute has now practically a definite relation with nearly all organizations interested in the subjects which we are considering, including the American Bar Association, which has at its present meeting recognized the American Institute officially, appointed delegates to attend this meeting, instructed its Secretary hereafter to include the program of the Institute in the program of the American Bar Association, and also to include in the annual volume of the American

Bar Association a summary of the proceedings of our annual conference and an index to our various publications not exceeding fifty pages in length. In addition to the various organizations which have appointed delegates to and committees for cooperation with the American Institute, nearly thirty states through their respective Governors have appointed official delegates to attend this meeting.

Your President recommends the continuance of this committee for another year.

Committee No. 2. Committee on Translation of European Treatises on Criminal Science.—As reported by the committee last year, this committee undertook, in accordance with the resolution creating it at the Chicago conference, the translation and publication of the most important treatises on criminology in foreign languages in order that they might be made readily accessible in the English language to those interested in the various subjects, and have completed arrangements for the publication of the nine leading works in the field representing the various subjects and carefully distributed among the principal nations which have contributed to the solution of these problems.

Following the Washington conference, your President appointed Hon. John H. Wigmore Chairman of this committee. The committee reports that its work this year has consisted largely in carrying out last year's plans. Three of the nine volumes of the Modern Criminal Science Series have appeared in print, and the reviews have shown great popular interest in them. These three are the volumes of DeQuiros, Gross and Lombroso. The committee also reports that the volume by Saleilles is in press, and that the volumes by Tarde and by Aschaffenburg will be finished by the translators this year, and will be the next to be printed. The committee also calls attention to the Continental Legal History Series edited for the Association of American Law Schools.

Your President recommends the continuation of this committee for the coming year.

Committee No. 3. Committee on Criminal Statistics.—This committee was created for the purpose of formulating a system

for the keeping of criminal judicial records, and for the reporting of such statistics as might be recommended to the several states and to the Congress of the United States for their consideration and adoption.

Mr. John Koren, of Boston, was appointed Chairman of this committee, and has carried on a considerable amount of work through correspondence with his committee in connection with the topics to be considered, and will present a report to this conference, containing various recommendations; among others that the question of undetected crime be taken on advisement, and that the Committee on Statistics be instructed by the Institute to report on the subject at a subsequent meeting with special reference to legislation needed and the kinds of undetected crime to be included.

Committee No. 4. On State Branches and New Membership.—Your President recommends that this committee be continuous. The object of this committee was to stimulate interest in the organization of state branches, and to advise means of increasing the membership; also to add to the list of those persons who have taken special interest in the study of criminal law and criminology. Professor Eugene A. Gilmore, of the University of Wisconsin Law School, was appointed Chairman of this committee.

The committee has done a large amount of effective work which has resulted in the organization of branches in Wisconsin, Minnesota, New York and Illinois, while steps have been taken toward the organization of state societies in California, District of Columbia, Massachusetts, Michigan, Missouri, Pennsylvania and Washington. It has also worked out a model plan of construction for the state society and completed a scheme for the articulation of the state society with the American Institute and the relation of membership in the state society to membership in the American Institute. The committee submits as part of its report the model form of constitution.

Your President recommends the continuation of the committee for another year and that the model constitution for state societies submitted in its report be published together with the

constitution of the American Institute, and such other material as the Executive Committee may deem wise, in the form of a bulletin for distribution the coming year, by this committee in further extension of its work.

This review of the work of the committees, both section and general, gives in fair measure the activities of the Institute for the past year. Together with the work done by the Journal and the work of your officers and Executive Board, they constitute the working force of the Institute between conferences. Did time permit I should be glad to review briefly the various state conferences which have been held. Those which have been held by Wisconsin and New York were of particular interest. The conference on Reform in Criminal Law, which was held in New York at Columbia University under the auspices of a number of organizations, both local and national, was one of great interest, and the volume which was published containing its proceedings is one full of suggestion to any student of the subject. The conference was addressed by the President of the United States and attracted national attention. I had the honor, as your President, of speaking at the dinner with which the conference closed and for your information I desire to summarize briefly my recommendations at that time, which were as follows:

First: No judgment should be set aside or reversed, and no new trial granted on the ground of misdirection of the jury, of improper admission or rejection of evidence, or of error in any matter of pleading or procedure, unless it shall appear to the examining court that such error has affected the substantial rights of the parties. Such a provision was originally drafted by President Taft, has since been recommended by the American Bar Association, and has been passed by the Congress of the United States. To that end constitutional changes may be necessary to allow consideration of the facts by an appellate tribunal.

Second: The right of the prosecution to comment upon the defendant's refusal to testify should be secured.

Third: The right to use private confessions obtained by officers of the law (commonly called the "third degree") should

be abolished. The same right of change of venue should be given to the state as to the accused, and removals under proper restrictions from one country to another should be allowed. This doing away with the private confessions and granting to the prosecution the right to comment upon a defendant's refusal to testify will have important results. In all probability the defendant will testify more often than he does not, and we shall not be under the constant danger of having the sympathies of juries appealed to on account of the use of "third degree" confessions, as they are called. As a matter of fact, such confessions

and byways of possible error, when such error could have been corrected at the time of the trial, is a mark of barbarism.

Seventh: The power of the trial judge should be habilitated, so that he can exercise his common law powers with the right to summarize and comment upon the evidence, as in the federal courts, and cease to be what President Taft has designated so aptly as a "mere moderator in a religious assembly."

Eighth: The same number of challenges should be allowed to the state as to the accused, and both sides should be placed, so far as possible, upon the same footing, without undue hardship to the accused. Personally, however, I do not believe in what is so often advocated, namely the right of appeal on the part of the state. The expense, notoriety and worry incident to a properly conducted single trial for a criminal offense, is all any person accused of crime should have to face, and if technicalities are eliminated, and the state has a fair opportunity to convict, it should be limited to the single trial without appeal. Under present conditions it would indeed seem as if the state should have the right of appeal, but it seems to me far better that these other improvements should be effected, and the state limited to trial without appeal, because oftentimes it takes practically all that the poor defendant has in order to have his case properly defended.

Ninth: Public defenders are sometimes advocated. I do not believe that such a thing will accomplish what its friends think it would. Such defenders, however, should by all means be provided if an appeal is to be allowed the state in order to minimize the burden on the accused, who is often without means to face the power, prestige and resources of the state.

Tenth: Where the accused takes the stand in his own behalf, he should be subject to cross-examination, and should be taken to have waived his constitutional privilege against self-incrimination.

Eleventh: The principle of second jeopardy should not apply in case of mistrial or retrial.

It is absurd, under present conditions, to have a prisoner practically escape all prosecution because of a mistrial, and I do not

believe that the doctrine of jeopardy was ever intended to govern such conditions. The sooner we do away with the idea, that it does cover such conditions, the better.

Twelfth: An indictment should be sufficient if it (a) specifies a crime, its time and location, (b) with sufficient particularity to prevent a second prosecution. It would seem as if that was sufficient, and as a matter of fact, in England it is sufficient. They do not have that absurd verbiage and constant repetition which we have here.

A study of conditions in England has recently been made under the auspices of the American Institute. The report shows that substantial justice has been done under their rules with reference to indictment.

Thirteenth: Press comments should be stringently limited to (a) actual report of proceedings, (b) without comment, editorially or otherwise, (c) and without comment from the state's or district attorney. Most of us have got tired of having the district attorney or the state's attorney say what he expects to prove, commenting on the evidence. Too often statements are given out for publication in connection with criminal prosecution which cannot possibly have come from any other place than the state's or district attorney's office.

Fourteenth: Jurors should not be disqualified because of the reading of accounts or hearing of rumors regarding alleged crimes, but only when they cannot give a fair verdict because of fixed opinion.

Fifteenth: Expert testimony should be rigidly regulated, and if experts are not furnished by the state, their qualifications should be passed upon by it, their fees limited, and contingent fees absolutely prohibited.

Sixteenth: The state should have the right, under proper restrictions, to compel accused persons to produce any paper or thing of importance in connection with the trial.

Seventeenth: Jury service should be compelled on the part of practically every citizen. To that end the time of such service should be so fixed as to give the least possible inconvenience to those called for such jury service.

Eighteenth: A transcript of the evidence of a witness on a former trial, when it is impossible to produce, should be competent evidence in a second trial.

These are all well considered reforms, many of which have already been tested in various jurisdictions, and their enactment in any one jurisdiction will go far to remove the present widespread criticism. It is well to remember in this connection that the courts and the law bear an unjust burden of criticism everywhere because of the massing of the various defects in each of the state jurisdiction and federal courts in such a way as to compare those defects with the results achieved in a single jurisdiction, such as England.

This address was commented upon editorially by many of the leading papers of the country and its recommendations editorially commended by the Nation and other reviews.

It is the holding of such state conferences to which the Institute must look chiefly for its largest influence on state legislation, leaving to the American Institute, in the national conference, the formulation of general policies and the stimulation of the various state societies carrying on the fullest amount of work possible in their respective states.

I wish to thank the members of the Executive Board and the various committees for their cordial co-operation during my administration, and in closing, to assure the American Institute of my hearty appreciation of the honor they conferred upon me in electing me their President, and also to assure them that while the duties have been considerable, the opportunities which presented themselves to forward the great work in which we are engaged have more than compensated for the time required.

The President then introduced Professor George W. Kirchwey, of the Columbia University Law School, Director of the New York Prison Association, who delivered the annual address.

THE ANNUAL ADDRESS.

THE FUTURE ATTITUDE TOWARD CRIME.

We are met at a fortunate time. The moral atmosphere—in which we live and move and have our being—is electric with im-

pulses toward a better understanding and a better ordering of the relations of society to the individual.

In our peculiar field of criminology and criminal law reform, we are apt to think of the forward movement of which we are a part as the result of a definite humanitarian impulse of recent birth, or perhaps of the scientific spirit which has in so many ways become the keynote of the time in which we live. But I venture to believe that our cause is being borne along by deeper and more enduring influences than these. We are the heirs, not of a few decades, nor of a few generations, but of the ages. And the process which we are witnessing is the age-long process of the constitution, the integration, the incorporation of a society out of the individual integers of humanity. The change that has come about is that we have—partly as a result of the new sciences of man—partly as the result of experience in a world-wide social life of unexampled complexity—suddenly become conscious of the fact that we are “members one of another,” that each is bound to all, that the suffering of one is the injury of all, and that each and every one of us is implicated—as an accessory before or after the fact—in the wrongs of every other.

This conception of the social order furnishes the key to the central problem which confronts those who are concerned with the position of the criminal in an ordered commonwealth, by disposing once and for all of the antithesis between society and the individual. We can no more think of society as arrayed against an external group of “enemies of society.” The criminal is a part of society, just as the injured limb or the offending eye is a part of the body, and the end to be aimed at is not war, but peace; not destruction, but healing—the healing of the body politic by such methods of cure or prevention as an enlightened statesmanship can devise.

The motive power that must direct the energies of the criminologist, the penologist, the criminal law reformer, is, therefore, not humanitarianism, still less sentimentality, but a passion for the betterment of society as a whole, a passion controlled and directed by a realizing sense that society falls short of completeness and of soundness—that is, of wholeness—so long as one of these, her little ones, “shrivels in a fruitless fire.”

To what extent does the Institute of Criminal Law and Criminology, to what extent do the agencies of reform, summed up in this organization, meet the demands of this new conception of society and the individual? That is the question which it is the aim of this paper to bring before you.

From the illuminating statement of the activities and aims of the Institute, which the President has set before us this afternoon, it will be seen that its labors fall into three distinct classes:

First: The removal, through legislation and the progressive improvement of the Bench and Bar, of the abuses which now attend and hamper the judicial administration of the criminal law in the United States.

Second: The amelioration, through legislation and better administration, of the penal law to the end (a) that punishment for crime shall not as heretofore involve the further degradation of the criminal, and (b) that the offending member shall, so far as possible, be redeemed from a life of crime; and

Third: The study of the conditions, "hereditary and environmental," of delinquents, with the view of determining the causes that lead to crime.

Now, it will be noticed that the first of these aims—the reform of criminal procedure—may be achieved without the slightest reference to the principle of social solidarity above set forth and without any attempt to effect a cure of the disease affecting the body politic. It contemplates the substitution of quick and expert surgery for awkward and bungling surgery—this and nothing more.

It will be further noticed that the second of the aims above indicated—the reform of the penal law—can be completely achieved without materially lessening the amount of crime which festers in the social body at a given time. It is not only nor mainly in our penal institutions that crime is bred and, these once redeemed from the bad eminence they have gained in this respect, there will yet remain a pretty constant supply of criminality to tax the resources of our civilization.

It is only in the third of the aims of the Institute that we find a hint, scarcely yet a beginning, of dealing with the problem of crime in a radical and far-reaching way. It is true that all that

is attempted (enough, some will say) is to trace out the influences that have led convicted criminals to offend against the social order, but the data thus gathered will furnish a basis for inductions of wider scope and more general application. It is here that we find ourselves for the first time in the field of sanitation, of preventive medicine, and there is every reason to believe that to the body politic as well as to the natural body "an ounce of prevention is worth a pound of cure."

Surely no one will believe from the foregoing analysis that I have any purpose of disparaging the aims of this body. The reform of our criminal procedure—now a standing reproach to our civilization—and the amelioration of our penal system are indispensable prerequisites to any successful dealing with the problem of social disease in its wider aspects. What I am aiming to do is merely to place these several aspects of the reform movement in their proper relation to one another and to keep before your minds the larger problem which lies back of them and envelops them. And this problem is that of anticipating and preventing the social cancer of criminality.

To show how this problem may be solved is beyond my power—beyond the power, I venture to say, of anyone now living. But I may, perhaps, hope to indicate some of the principles which, in my opinion, must govern any attempt at a solution.

The first of these principles I find adumbrated in the new institution of the juvenile court. Not so much in the fact that in numberless instances the children's court checks criminality at its source and turns wayward feet into the straight and narrow path of good citizenship, but rather in the fact that it recognizes in the juvenile delinquent the victim of a bad heredity or of bad social conditions, or both, and seeks to apply the appropriate remedy—for mental and physical disease, such curative agencies as medical science affords; for moral disease, rigid supervision or segregation; for bad environment, a decent environment.

The state is not ashamed to avow itself the guardian of the delinquent as of the dependent child. May we not hope that it will in the not distant future realize that there is no distinction of age among her erring children, and that all must—in the

interest of society—equally feel her wise, firm parental hand resting upon them?

But the juvenile court throws another ray of light farther down the broad avenue of crime. Why limit the guardianship of the state to the delinquent and the dependent child? It is not only from these that the ranks of adult criminality are recruited. The seeds of criminal tendency lie deep in human nature, but not too deep to be detected by the penetrating eyes of wisdom and sympathy. Through the school, public and private, the children can be reached and examined and known and their mental or physical or moral defects, whether congenital or acquired, ascertained, if not in all, at least in all but the more obscure cases—and, as in the case of the delinquent in the juvenile court, the appropriate remedy applied.

Nay, I will go further. Our Anglo-Saxon notion that the state has nothing to do with the individual except as a taxpayer or a law-breaker must give way to the conception that society as a whole is responsible for the acts of all its members, and that it may, in so far as its interests require, exercise an effective supervision and guardianship over each and every one.

The doctrine that "a man's house is his castle" has received some rude shocks in these days of compulsory education and tenement house and health inspection. It is destined to be relegated to the lumber room of the law when we come to realize that the most contagious, as well as the most mortal, of all diseases is criminality and moral degradation. The sacred institution of the family cannot permanently be used as a shelter for profligacy and vice. The inalienable right of the individual to be free in his person and his property will yield more and more to the demand of organized society for an ordered life.

Other remedial agents—the abolition of the poverty that so often leads to crime, the elimination of the degrading conditions due to overcrowding in our great cities, the education of all classes of the community in self-respect and in civic responsibility, the growth in all of us of that larger manhood and womanhood which will tolerate no injustice, nor inflict any—all of these lie outside the scope of this paper. But apart from these, which

will also be the fruits of the social consciousness to which I have made my appeal, may we not hope that the new conception of the individual as part and parcel of society, and of society as one in aim and in destiny with every individual member, will in due time do much to check the stream of criminality at its source?

The President then proceeded to the regular order of business of the meeting.

The first business was the report of Committee D, on the Organization of Courts. ("Investigation of the possibilities of the unification of the state and local courts, so as to do away with the burdensome cost of transcripts, bill of exceptions, writs of error, and so forth, allowing the appellate tribunal to pass upon and use the same papers and the original evidence and comments used at the trial and to take further evidence on formal matters or matters not controvertible for the purpose of upholding judgments.")

Chairman Roscoe Pound (Professor of Law in Harvard University) stated that the committee had made progress in the collection of voluminous data, but were not yet prepared to make a formal report. He outlined orally the general field of work of the committee, speaking of the lack of true organization in the American judicial system; of the lack of elasticity in the adjustment of the personnel of courts of the judicial business to be done; of the lack of co-operation between the trial courts and the courts of appeal; of the lack of scientific classification of jurisdictions in criminal cases; of the impractical composition of many courts by single magistrates who are not able to exchange with other courts when there is a pressure of business; of the dilatory methods of appeal; and of other obstacles to efficient justice. The remedy for this inefficient state of affairs would be duly taken up by the committee in their final report.

The meeting then adjourned to the Tavern Club, where the members were the guests of the Tavern Club, and of the local Committee on Arrangements, of whom the Chairman was Dr. Morton Prince, of Boston.

SECOND SESSION.

The Institute met at 10 o'clock on Friday morning, September 1.

The first business was the discussion of the report of Committee D. This discussion was participated in by the Chairman, by Albert H. Hall, of Minnesota, and others.

The next business was the report of Committee B, on Insanity and Criminal Responsibility. ("An investigation of the insane offender, with a view first to ascertain how the existing legal rules of criminal responsibility can be adjusted to the conclusions of modern science and modern penal science; and, secondly, to devise such amendments in the mode of legal proceedings as will best realize these principles and avoid current abuses.")

The Chairman, Edwin R. Keedy (Professor of Law in Northwestern University), stated that the report of the committee at this stage was entirely tentative, and that the committee desired to receive from all quarters comment on the tentative conclusions presented in the report.

[This report is printed in the Journal of Criminal Law and Criminology, Vol. II, p. 521, November, 1911, number.]

The next business was the report of Committee E, on Criminal Procedure. The Chairman, John D. Lawson (Dean of the Faculty of Law in Missouri University and former President of the Missouri Bar Association), reported as follows:

The Committee on Criminal Procedure begs to report that it has considered the following subjects, and has divided the work among its different members for the purpose of drafting resolutions at a future meeting of the Association:

1. To permit the arraignment and trial of one charged with crime upon information as well as indictment.
2. To amend the law as to preliminary examination.
3. That objections to indictments be made before the testimony is in. That the law be revised and amended with reference to the form of indictment and the manner and conditions under which it may be amended.
4. That the plea of insanity and the plea of self-defense be required to be specially pleaded.
5. That reform be made in the manner of selection of juries in the challenges allowed.

afterwards referred to by Boston citizens as a valuable stimulus to local effort.

THIRD SESSION.

The Institute met at 10 A. M. on Saturday, September 2.

On motion, the President appointed as delegates to the annual meeting of the American Prison Association at Omaha, in October, the following persons: Albert H. Hall, of Minnesota; George H. Beecher, Bishop of Kearney, Nebraska; Lee V. Estelle, of Nebraska; Elmer A. Wilcox, of Iowa; John W. Willis, of Minneapolis; and John Koren, of Massachusetts.

The next business was the report of Committee F, on Indeterminate Sentence and Release on Parole. ("Investigation of the most advisable methods of establishing and extending the measures of parole and of indeterminate sentence, including a consideration of, (1) the results of such measures as hitherto used, (2) the organization of boards of pardon and of parole, and (3) the correlation of such boards and officers with courts and court methods.") The report was orally summarized by Albert H. Hall (of Minneapolis), Chairman of the committee.

[This report will be printed in the Journal of Criminal Law and Criminology, Vol. II, January, 1912, number.]

The next business was the report of Committee C, on Judicial Probation and Suspended Sentence. ("Investigation of the most desirable methods of establishing and extending the allied measures of adult offender's probation and of suspended sentence, including the consideration of the results of such measures as hereto used.") The Chairman, Wilfred Bolster (Chief Justice of the Municipal Court of Boston), was absent, but by letter reported that the committee had made progress in the accumulation of data, and was now engaged in completing the data by sending to some three thousand judges and district attorneys a set of questions covering the various aspects of probation and suspended sentence. The material obtained in reply will be used in making the complete report at the next meeting.

The next business was the report of Committee G, on Crime and Immigration. ("The alien and the courts, with special

reference to treaty rights and status under the various state laws, and to procedure, including interpreters, appeals, etc.") The report was read by Gino C. Speranza, Chairman.

[This report is printed in the *Journal of Criminal Law and Criminology*, Vol. II, pp. 546, 554, November, 1911, number.]

The next business was the report of Committee A, on the System of Recording Data Concerning Criminality. ("Investigation of an effective system for recording the physical and moral status and the hereditary and environmental conditions of delinquents, and in particular of the persistent offender; the same to contemplate, in complex urban conditions, the use of consulting experts in the contributory sciences.") The Chairman, Harry Olson (Chief Justice of the Municipal Court of Chicago), was absent, but reported by telegram that the committee needed more time for the working out of its conclusions, and was not yet ready to make a final report.

The next business was the report of Committee (3) on Criminal Statistics. ("That present methods of keeping criminal judicial records of the courts of the several states and territories, as well as of the federal courts, and an adequate and uniform system of recording and reporting such statistics; the system formulated by the above-mentioned committee, when approved by a subsequent conference, to be recommended to the several states and to the Congress of the United States, for their consideration and adoption.") The report was presented by the Chairman, John Koren (special agent of the Census Bureau in Boston).

The report to the Institute by the Committee on Statistics in 1910 contained a number of definite recommendations (see *Journal of Criminal Law and Criminology* for September, 1910, page 432). No action was taken on this report except a purely formal one, and no opportunity was afforded for any discussion whatsoever. The committee holds that the Institute should express itself on committee recommendations, otherwise they cannot become effective.

1. The first recommendation made last year was that the Institute pass upon the findings concerning the minimum re-

quirements of court records in criminal cases. The committee submitted that as a minimum requirement such records should state:

(A) IN REGARD TO THE CRIMINAL PROCESS.

1. Manner of commencing proceedings (by indictment, information, presentment, inquisition, affidavit, complaint, etc., as the case may be). 2. Offense charged. 3. Date of offense, of indictment and of final disposition. 4. Pleas (guilty, *nolo contendere*, not guilty). If plea of guilty, then statement of precise offense which plea admits. 5. Disposition other than by trial or plea of guilty (indictment quashed, *nolle prossed*, demurrer sustained, dismissed, placed on file, etc.). 6. Mode of trial (by court or by jury). 7. Verdict (in case of guilty of lesser offense than originally charged, a statement of lesser offense). 8. Character of sentence (whether executed or suspended, etc.). 9. Appeal and result. 10. Institution to which sentenced. 11. Whether fine was paid. 12. Period of commitment for non-payment of fine.

(B) IN REGARD TO SOCIAL STATUS OF DEFENDANT.

1. Age. 2. Sex. 3. Color. 4. Race. 5. Birthplace. 6. Birthplace of parents. 7. Conjugal condition. 8. Education. 9. Occupation. 10. Citizenship. 11. Previous prosecutions and convictions.

Since the records of the criminal courts throughout the United States are absolutely inadequate as sources of criminal statistics, one of the first duties of the Institute is to bring about an improvement of court records. But action in so important a matter must come from the Institute itself and not from a small group or committee. The committee therefore submits anew its findings in regard to the minimum requirements of court records in criminal cases and asks for action by the Institute.

2. A second recommendation made last year by the Committee on Statistics was that the formulation of an "adequate and uniform scheme of recording the requisite data in criminal cases be made the subject of further consideration and inquiry." It is one thing to agree upon the minimum requirements of court records and another to suggest the form of an adequate and uniform scheme of records. The matter deserves to be given

fresh attention by our committee, and suggestions from members are in order. At this point our committee work touches that of Committee A, which has for its subject, "System of Recording Data Concerning Criminality."

An elaborate report was submitted by Committee A last year. The discussion of this report at Washington revealed that some members of the Institute thought the scheme suggested might be utilized by courts and actually installed as part of the court records. Such, however, was not the intention of Committee A, which is not primarily concerned with the question of data to be made part of court records. That any court can install a system so elaborate as the one suggested is inconceivable, not only on account of the enormous amount of work required and the resulting prohibitive cost, but because it can only be handled successfully by specially trained persons. The time consumed in making out such elaborate records would, among other things, surely tend toward further delay in criminal cases. Committee A is not really called upon by the Institute to suggest the data that should form a part of the records of every criminal court, but to formulate a system of recording data concerning criminality affording a sufficient basis for scientific study. At least for years to come, the criminologist cannot content himself with the data that by any stretch of imagination will be obtainable from court records generally. The report of Committee A of last year says that the system suggested by it "aims directly at diagnosis, prognosis and remedy," that the service of experts is required, etc. In brief, the work of Committee A is quite distinct from that of the Committee on Statistics, an immediate object of which is to secure improvement in court records, so that they will yield the primary facts about criminal cases. Only so far as data about the social status of defendants are concerned do the two committees traverse to a limited extent the same ground. The Committee on Statistics regrets that as yet it is unable to suggest a general uniform scheme of recording data in criminal cases. Before it can properly do so, the Institute should express itself upon the subject of minimum requirements.

3, 4. A third recommendation made by last year's Committee

on Statistics was "that the Institute express itself in regard to the necessity of legislation obliging court officials and public prosecutors to make returns of criminal cases to a central state office." With this was coupled the fourth recommendation, "that the Institute help to institute such legislation and co-operate, where feasible, in bringing it about."

The committee report contained lengthy statements in regard to these two recommendations. They showed, among other things, that the different states are without adequate legislation compelling returns drawn from the records of criminal courts, and that the required legislation upon this subject cannot be incorporated in a single model statute, but must be adapted to the peculiar needs and conditions of each state. It is not necessary to re-emphasize the need of action on part of the Institute.

The committee takes it for granted that the returns under discussion must be made to some central state office, since otherwise there would be no control over the returns, and their utility for other than local purposes would be lost. But to recommend minimum requirements in regard to what the records of criminal courts shall contain, and to express our belief in the necessity of legislation compelling returns to some central state office, will not go far, unless the Institute helps to promote such legislation and is willing to co-operate in bringing it about. Last year the committee suggested that the Institute "should prepare, through a proper committee, a brief outline of the legislation required and transmit it to the Governor of each state with the request that he recommend it in his message to the next legislature. Such a request should be accompanied by a full statement of the reasons for the reform. While the general propaganda would have to be directed by separate groups in each state, the Institute can and should initiate it by emphasizing the need of legislation and by indicating the necessary scope of an adequate law."

As the Institute took no action on recommendations three and four, last year, they are submitted once more.

5. The fifth and final recommendation of last year's committee was that a standing Committee on Statistics be appointed, which, among other things, should study and report to the

Institute upon police statistics, prison statistics and statistics of probation and parole, make definite recommendations in regard to plans for the improvement of such statistics, etc. This recommendation is submitted anew in order that the Institute may commit itself to a properly defined line of action. It must be apparent to anyone acquainted with present conditions that a long campaign of education is necessary before court records can be made respectable sources of criminal statistics. The Institute should be prepared to undertake such a campaign. By reappointing a committee on statistics, the Institute recognized the desirability of such a committee, but it remained silent upon the subject of the labors to be undertaken.

6. The committee has one new matter to suggest: Even if one could look forward to the time when the statistics obtainable through the criminal courts, the penal institutions, the police and the probation officers, would leave nothing to be desired, we should still be without a perfect measure of the volume of crime in the country. There will always remain the question of the amount of undetected crime, that is, criminal cases in which the offender is not detected. If the alleged perpetrator of the criminal act be not apprehended, even the police records usually remain silent. If a homicide has been committed, a record is made by the coroner or medical examiner, although the facts are not made available to the public. But offenses not involving the taking of life are ordinarily left absolutely unrecorded except for newspaper publicity unless an arrest is made. Indeed, grave offenses, particularly those against property, may become rampant in a community without any reflection of the facts in the official returns of crime.

The committee believes it would be a distinct gain if knowledge could be obtained of the amount of the undetected crime. For general statistical purposes, our main reliance must always be upon the returns from the criminal courts, but these as well as police statistics would gain in significance when examined in the light of facts about undetected crime. It is most improbable that reliable information about the amount of undetected crime can be obtained until legislation compels the proper

officials to make returns to some central office. For municipalities, such officers would naturally be the police, and for the rural communities the sheriffs or, where it exists, the rural constabulary. Self-evidently, their returns should only be concerned with the graver forms of crime, such as all forms of violence against the person, the more serious offenses against property, against chastity, etc. In other words, petty offenses should not be included.

Until state governments take a hand and require proper returns of the graver forms of criminal acts committed by persons unknown or not arrested, the federal government cannot hope-fully enter their field of statistical inquiry. The federal government is not successful in securing mortality returns except from states or cities having legislation laws. In like manner, before statistics of undetected crime can be obtained, the states must create the instrumentality for recording such crime. The point of attack in this matter is therefore not the federal government, but the individual state.

The committee recommends that the question of returns of undetected crime be taken under advisement and that the Committee on Statistics be instructed by the Institute to report upon the subject at a subsequent meeting, with special reference to the legislation needed and the kinds of undetected crime to be included.

The recommendations made in the report were, on motion, approved by the Institute, a separate vote being taken upon each of the recommendations; except that the second recommendation was, on motion, recommitted to the committee. On motion of Albert H. Hall (of Minnesota) it was voted that the committee be authorized to draft a resolution, on behalf of the Institute, to carry out the third recommendation of the committee, viz., to urge the authorities of the various states to secure legislation obliging all court officials and custodians of court records to make returns of criminal statistics, upon payment of a reasonable fee, and to provide some form of penalty, such as the withdrawal of postal privileges, for officers refusing to comply with this duty.

The next business was the reading of the report of the Treasurer, which was then referred to the Auditing Committee, and was afterwards approved by the Auditing Committee and accepted by the Institute.

The next business was the report of the Managing Editor, James W. Garner, and the Managing Director, Harvey L. Carbaugh, of the Journal of the Institute. The reports were accepted and referred to the Auditing Committee.

The next business was the report of the Secretary of the Institute, Harry E. Smoot (of Illinois). The report was read by the Secretary of the meeting, and showed an increase of 77 per cent in the membership of the Institute during the year, representing thirty-seven states and countries. The report of the Secretary was accepted.

The next business was the report of Committee (2) on Translation of European Treatises on Criminal Science. ("Whereas, It is exceedingly desirable that important treatises on criminology in foreign languages be made readily accessible in the English language: Resolved, That the President appoint a committee of five with power to select such treatises as in their judgment should be translated, and to arrange for their publication, without expense to the Institute.") The Chairman, John H. Wigmore (of Illinois), reported that the contracts for publication and translation had been fully arranged, and that three volumes of the Modern Criminal Science Series had already been printed, with the fourth now in press. The publishing house is Messrs. Little, Brown & Co., 34 Beacon street, Boston, Mass.


The next business was the report of Committee (4) on State Branches and New Membership. ("To stimulate interest in and organize branches in the various states, and to advise means of increasing the membership and adding to the list of those persons who have taken special interest in the study of criminal law and criminology.") The Chairman, Eugene A. Gilmore (of Wisconsin), summarized the report, which showed that state branches had been organized during the year in Wisconsin, Illinois, Massachusetts, Minnesota and New York, and that committees were now in charge of plans for organizing branches

officials to make returns to some central office. For municipalities, such officers would naturally be the police, and for the rural communities the sheriffs or, where it exists, the rural constabulary. Self-evidently, their returns should only be concerned with the graver forms of crime, such as all forms of violence against the person, the more serious offenses against property, against chastity, etc. In other words, petty offenses should not be included.

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in California, District of Columbia, Kansas, Michigan, Missouri, Pennsylvania, Washington and Florida. The Wisconsin branch numbers 200 members; has held two general meetings; and has secured the enactment into law of several recommendations affecting criminal procedure and prison reform. The Minnesota branch has secured the enactment of an indeterminate sentence act of an advanced type. The New York society has held a general meeting, which closed with a banquet, attended by 400 persons, at which the President of the United States was present, and its proceedings have been printed in a special volume by the New York Academy of Political Science, published by Columbia University and edited by Henry R. Mussey. The committee has also prepared a model constitution and by-laws for use by the state branches, and will issue a bulletin, setting forth this constitution and the arrangements made for membership fees and subscribers to the Journal. The report was, on motion, accepted and approved.

On motions made at the conclusion of the various reports of committees, the Committees A, B, C, D, E, F and G were continued, and the incoming President was authorized to make appointments to carry on their work. Committees 1, 2, 3 and 4 were voted to be continued as standing committees, with authority in the President to appoint other members.

The meeting then adjourned.

FOURTH SESSION.

The Institute met at 2.30 P. M., September 2.

The report of the Auditing Committee was read and accepted.

The next business was the report of Committee (1) on Cooperation with Other Organizations. ("To arrange for cooperation with the following organizations for the purpose of avoiding duplication of work and of combining effective effort, and to attend on behalf of this organization, but without expense to it, their sessions: International Prison Congress, l'Union International de Droit Pénal, American Bar Association, American Prison Association, International Congress of Criminal Anthropology, National Conference of Charities and Correction,

American Political Science Association, National Conference on Uniform State Laws and other kindred organizations.") The Acting Chairman, W. O. Hart (of Louisiana), reported on the co-operation with the work of various organizations, and on the appointment of delegates to this meeting by the Governors of various states.

On motion of Charles A. DeCourcy (of Massachusetts) it was voted to express the Institute's appreciation of the American Bar Association's Executive Committee in arranging for co-operation with the Institute and in placing the Institute's program on the Bar Association's announcements of its next annual meeting. It was also voted to co-operate with the Bar Association in holding the next annual meeting at the same time and place.

Pending the reports of the Committees on Resolutions and on Nominations, the President then called upon Mr. O'Brien, the delegate from the American Federation of Labor, who spoke in part as follows:

I would not feel I had done the duty that was suggested to me by Mr. Gompers, the President of the American Federation of Labor, if I did not at least express my own gratification for coming here and listening to the whole-heartedness with which the various men discussed the questions that were placed before them this morning. I must confess that I have changed my ideas about the legal fraternity—at least about a large portion of them—ideas received in the various battles which we are called upon to make in the struggle which the laboring forces of the country are making for what they, at least, consider a square deal. I certainly will carry from this convention the most pleasant thoughts and a somewhat revised opinion of the legal profession. I certainly am impressed with the work of this convention. I know that permanent progress will be made along the lines that are being attempted by such bodies as this, until the labor problem, as a whole, is solved on the basis of a square deal to humanity. We have many times been fooled and afterwards fought shy of many of the propagators in their attempts to uplift society—most of them with very sincere efforts. I shall do all I can in my report to President Gompers at the convention at Atlantic City, to show that there should be co-operation in every way, shape and manner with the work that is being attempted by this body.

On the request of the President, remarks were then made by Jerome Knowlton (of the Faculty of Law of the Michigan State University and official delegate from that state), by Charles A. DeCourcy (of the Massachusetts Superior Court, Chairman of the Organizing Committee in Massachusetts), by Dr. Morton Prince (of Boston, Chairman of the Local Committee on Arrangements).

The report of the Committee on Resolutions was then read by Wm. H. DeLacy (of the District of Columbia, Vice-President of the Institute and Chairman of the committee). The committee recommended the following resolutions:

Resolved, That it be recommended to the Executive Committee that at future meetings of the Institute there be presented monographs dealing with concrete phases of the subjects treated of in the reports; the papers to be by those having special knowledge and experience of the subjects.

Resolved, That the National Committee on Prison Labor be invited to send a delegate to our next annual conference.


Resolved, That the thanks of the Institute for the able and efficient discharge of his duties while managing editor of the Journal, and our best wishes for his agreeable and profitable sojourn for study in Europe, whither he has gone for one year, be extended by the Secretary to Professor James W. Garner.

Resolved, That the Institute express its regrets that increased official responsibility has necessitated the resignation of Col. Harvey C. Carbaugh, U. S. A., as editorial director of the Journal, and that the Secretary communicate to him our grateful appreciation of his services and our best wishes for his prosperity and happiness.

WHEREAS, A lively sense of gratitude has been stirred in us by the generous hospitality extended to us while in the City of Boston; therefore,

Be it Resolved, That we offer our thanks to his Excellency Governor Foss, the Massachusetts Institute of Technology, the City Club, the Tavern Club, the Hotel Brunswick, the City of Boston, the press of the city, Mr. Edwin Mulready, Dr. Morton Prince, and their associates of the Reception Committee, for the many pleasing courtesies extended to the members of the American Institute of Criminal Law and Criminology in Third Annual Conference assembled.

On motion, these resolutions were adopted by the meeting.



The next and concluding business was the report of the Committee on Nominations. The Chairman, John H. Wigmore (of Illinois), reported that the following persons were recommended for nomination as officers of the Institute for the ensuing year:

OFFICERS OF THE INSTITUTE, 1911-1912.

President.

JOHN B. WINSLOW, Madison, Wis., Chief Justice of the Supreme Court.

Vice-Presidents.

MORTON PRINCE, Boston, Mass., former President of the American Neurological Society and the American Psychopathological Society, and Professor of Neurology in Tufts Medical College.

CHARLES A. DECOURCY, Lawrence, Mass., Justice of the Supreme Court.*

GEORGE W. KIRCHWEY, New York, N. Y., Professor of Law in Columbia University, Director of the New York Prison Association, and President of the New York Society of the Institute.

JAMES W. GARNER, Urbana, Ill., Professor of Political Science in the State University.

HARVEY C. CARBAUGH, Chicago, Ill., Colonel and Judge-Advocate, U. S. Army, Western Division.

Treasurer.

BRONSON WINTHROP, New York, N. Y., of the New York Bar.

Secretary.

EUGENE A. GILMORE, Madison, Wis., Professor of Law in the University of Wisconsin.

Executive Board.

JOHN H. WIGMORE, Chicago, Ill., Chairman, Professor of Law in the Northwestern University, and former President of the Institute, *ex-officio*.

WM. O. HART, New Orleans, La., Commissioner on Uniform State Laws.

WM. E. HIGGINS, Lawrence, Kan., Professor of Law in the University of Kansas.

* Since the date of the meeting, Justice DeCourcy, then of the Superior Court, has been elevated to the Supreme Bench, by nomination of Governor Foss.—Eds.

WM. A. WHITE, Washington, D. C., Superintendent of the Government Hospital for the Insane.

WM. E. MIKELL, Philadelphia, Pa., Professor of Law in the University of Pennsylvania.

EUGENE SMITH, New York, N. Y., President of the New York Prison Association.

FREDERIC B. CROSSLEY, Chicago, Ill., Librarian of the Gary Law Library of Northwestern University, and Managing Director of the Journal of the Institute, *ex-officio*.

ROBERT H. GAULT, Evanston, Ill., Assistant Professor of Psychology in the Northwestern University, and acting Managing Editor of the Journal of the Institute, *ex-officio*.

EDWIN R. KEEDY, Chicago, Ill., Professor of Law in the Northwestern University.

NATHAN WILLIAM MACCHESNEY, Chicago, Ill., Commissioner on Uniform State Laws, Judge-Advocate-General of Illinois, and former President of the Institute, *ex-officio*.

E. RAY STEVENS, Madison, Wis., Judge of the Circuit Court.

ALEXANDER H. REID, Wausau, Wis., Judge of the Circuit Court.

NEELE B. NEELAN, Milwaukee, Wis., Judge of the Municipal Court.

EDWARD A. ROSS, Madison, Wis., Professor of Sociology in the University of Wisconsin.

GILBERT E. SEAMAN, Milwaukee, Wis., Councillor of the American Medical Association, and Regent of the University of Wisconsin.

HENRY M. BATES, Ann Arbor, Mich., Dean of the Law School of the University of Michigan.

The terms of office to be allotted as follows: To hold for 3 years, Mikell, Stevens, Reid, Bates; to hold for 2 years, Hart, Higgins, White, Ross; to hold for 1 year, Smith, Keedy, Neelan, Seaman; *ex-officio*, Wigmore, Crossley, Gault, MacChesney.

And of the above were recommended for the Council: Messrs. Winslow, Gilmore, Stevens, Ross, Seaman.

On motion, the Secretary was instructed to cast a ballot for the names thus nominated; and they were declared elected.

Judge DeLacy then taking the chair, a motion was made and carried, tendering the thanks of the Association to the retiring President, Nathan William MacChesney, for his efficient reports during the past year. The President then called upon Messrs. Gilmore and Richards, of Wisconsin, who spoke on behalf of the new Wisconsin officers.

The annual meeting then adjourned.

NOTICE AS TO REPORTS.

By order of the Executive Committee, the following prices have been fixed for the reports, which are about sufficient to pay the cost of printing and postage.

Vol. 1 (1878), postpaid, paper, 50 cents; cloth, 75 cents.

Vols. 2 to 26 (1879 to 1903), postpaid, paper, 75 cents each; cloth, \$1.00 each.

Vols. 27 and 28 (1904 and 1905), postpaid, paper, \$1.00 each; cloth, \$1.25 each.

Vol. 29 (1906, Part 1) (American Bar Association Proceedings, only), postpaid, paper, 75 cents; cloth, \$1.00.

Vol. 30 (1906, Part 2) (Proceedings of Sections, Association of American Law Schools, Uniform State Laws), postpaid, paper, 50 cents; cloth 75 cents.

Vol. 31 (1907), postpaid, paper, \$1.00; cloth, \$1.25.

Vol. 32 (Sharswood's Ethics) will not be sold, but will be furnished without charge, if requested, with Vol. 31, as long as the supply lasts.

Vol. 33 (1908), postpaid, paper, \$1.00; cloth, \$1.25.

Vol. 34 (1909), postpaid, paper, \$1.00; cloth, \$1.25.

Vol. 35 (1910), postpaid, paper, \$1.00; cloth, \$1.25.

Vol. 36 (1911), postpaid, paper, \$1.00; cloth, \$1.25.

Each member of the Association will receive, as soon as published, and without cost to him, one copy of the proceedings for each year of his membership. A bound copy will be sent, unless the Secretary is otherwise directed. Members desiring extra copies, and new members desiring back reports, will be charged the above prices.

The great number of applications for sets of reports from libraries and educational institutions, and the small number of copies of many of the volumes on hand, render it necessary to restrict the furnishing of complete sets to those Bar libraries and other general libraries in which the report will be of most use. Applications should state the size and character of the library and the class of readers using it; and also what volumes (if any) are already on hand. When such applications can be granted, the reports will be furnished to libraries without expense other than postage or express charges.

The reports will be published each year about December 1.

Application may be made to

GEORGE WHITELOCK, *Secretary*,
1408 Continental Trust Building, Baltimore, Md.



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